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A
COLLECTION
OF THE
PARLIAMENTARY
DEBATES
IN
ENGLAND,
FROM

The YEAR M, DC, LXVIII.

To the present TIME.

VOL III.

Printed in the Year, M, DCC, XXXIX.

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OF THE

PARLIAMENTARY

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VOL. III.

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CONTENTS.

K ING's Speech to both houses, November 12. 1694.	Page 1.
Inquiry of the Commons into abuses and corruptions.	2.
Report of the Committee appointed to inspect the <i>East-India</i> company's books.	9.
The Speaker of the house of Commons expelled for corruption.	16.
Farther proceedings against bribery and corruption.	17.
The Commons resolve to impeach the Duke of <i>Leeds</i> .	29.
State of coin enquired into.	38.
Parliament dissolved, and a new one called.	42.
King's Speech to both houses, Nov. 22. 1695. <i>ibid.</i>	
Bill for regulating trials in cases of high treason	45.
Farther debates on regulating the coin.	46.
Debate concerning grants made to the Earl of <i>Portland</i> .	52.
King's Speech, and address of both houses on discovery of the assassination plot.	58.
Association and bill for security of his Majesty's person.	61.
King's Speech in Parliament, <i>October</i> 20. 1696.	65.
Methods for farther remedying the ill state of the Coin, and restoring publick credit.	68.
Sir John <i>Fenwick</i> attainted of high-treason.	78.
Speeches for and against the bill.	79.
Lords protest against the bill.	88.
King's Speech to both houses, <i>April</i> 16. 1697.	91.
<i>Ditto</i> , <i>December</i> 3. 1697.	92.
Resolutions of the Commons about disbanding the army, raising supplies &c. for paying all arrears of debt.	95. &c.
VOL. III.	A 2
	Abuses

CONTENTS.

Abuses in Exchequer bills enquired into.	101
Proceedings against immorality, prophaneness, &c	103
Proceedings relating to the <i>East-India</i> trade and companies.	105
Molyneux's case of <i>Ireland</i> censured by the Commons.	116
Parliament dissolved ; and a new one meets <i>Decem.</i> 6 1698.	119
King's Speech.	120
The Commons resolve to disband the army : The King passes the disbanding bill: His Speech thereupon.	122
Address of thanks from both houses; and the army disbanded.	123
King's message to the Commons about his <i>Dutch</i> guards: Their answer, &c.	126
Parliament prorogued, and meets, <i>Novem.</i> 16. 1699	128
King's Speech to both houses.	<i>ibid</i>
Commons address, and King's answer	131
Debates about the forfeited estates in <i>Ireland</i> .	133
Parliament dissolved, <i>Decem.</i> 19. 1699. and a new one meets <i>Feb.</i> 6. 1700,	141
King's Speech.	<i>ibid.</i>
Addresses from both houses, and the King's answers	143
Resolutions of the Commons for farther securing the protestant succession, &c.	145
King's message to the Commons.	147
Debates of both houses about the partition treaty	148
King's second message to the Commons on the state of affairs abroad.	153
The Commons resolve to impeach the Earl of <i>Portland</i> .	154
— and Lord <i>Somers</i> .	156
King's Letter to Lord <i>Somers</i> .	157
His Answer.	158
	Com-

CONTENTS.

Commons address the King against the Lords <i>Somers, Orford, Halifax, and Portland</i> , for advising the partition treaty, &c.	161
A Counter address from the Lords.	163
Another message from the King to the Commons.	<i>ibid.</i>
The <i>Kentish</i> petition.	164
—And Legion Letter.	166
Debates between the two houses about the impeached Lords.	174
Articles of impeachment against the Earl of <i>Orford</i> (with his answers.)	175
—Against the Lord <i>Somers</i> , with his answers.	178
Farther debates betwixt the houses about the impeachments	186
King's Speech to both houses, <i>June 12.</i>	195
Contests between the houses continued.	197
The Commons demand Justice against Lord <i>Haversham</i> for his speech at a conference.	202
Articles of impeachment against Lord <i>Halifax</i> .	204
Rules for trying the impeached Lords.	207
Debates about trying Lord <i>Somers</i> .	208
He is acquitted.	214
Lord <i>Haversham</i> 's answer to the Commons complaint	216
Lord <i>Orford</i> acquitted; and the other impeachments dismissed.	225
Parliament dissolved; And a new one meets <i>December 30. 1701.</i>	228
The King's last speech in Parliament.	229
Addresses of both houses, with the King's answer.	232
King's death, and the Queen proclaimed, <i>March 8 1702.</i>	239
Queen's speech in Parliament, <i>March 11.</i>	<i>ibid</i>
Addresses from both houses, &c.	241
Reports of the deceased King, and several books censured by the Lords.	247
Queen's speech at the end of the session.	258
—At the meeting of Parliament, <i>October, 20. 1702.</i>	259
Addresses	

CONTENTS.

Addresses of both houses.	261
Proceedings against the Bishop of <i>Worcester</i> .	264
Queen's message and Commons address about Lord <i>Marlborough</i> .	267
Proceedings in relation to the <i>Occasional Conformity</i> bill.	270
Commons address to the Queen about public grievances.	333
The Lords address and remarks upon the foregoing.	347
Queen's Speech to both houses.	361
Proceedings of the <i>Scotch</i> Parliament met at <i>Edinburgh</i> , May 6. 1703.	363
Queen's Letter to the <i>Scotch</i> Parliament.	364
Speeches of the High-Commissioner, and of the Lord Chancellor to the <i>Scotch</i> Parliament.	366, &c.
Bill for the security of the kingdom.	371
Mr. <i>Fletcher</i> of <i>Saltoun</i> 's speech for the bill.	375
Bill for the Parliament's conferring all offices by ballot.	382
Mr. <i>Fletcher</i> 's speech for the bill.	383
Speeches for the act of security.	387, &c.
Farther proceedings in the <i>Scotch</i> Parliament.	394
Marquis of <i>Anandale</i> 's Protest.	398
Speech about communication of trade with <i>England</i> .	400
Mr. <i>Fletcher</i> 's speech upon adjourning the Parliament	406
Farther proceedings on the act of security, &c.	408
Bill for the <i>Hanover</i> succession in <i>Scotland</i> .	410
Lord Commissioner's speech upon her Majesty's refusing her assent to the act of security.	415
Protest against the act allowing the importation of <i>French</i> wines, &c.	416
Treaty of union with <i>England</i> put off. <i>Scotch</i> acts signed.	418

APPENDIX.

Lords protest against passing the bill for frequent Parliaments.	420
--	-----

—About

C O N T E N T S.

- About the bill for making wilful perjury, in some cases, felony, *Ibid.*
- Against descents of baronies by writ. 421
- About the bill to regulate coinage. 423
- Against hearing Sir *Richard Verney* on his petition for a writ of summons. 425
- Against the bill to prevent double returns of members. 426
- Against Sir *Richard Verney's* right to a writ of summons. 427
- About the bill against wearing wrought filks, &c. 428
- Upon the bill for regulating elections. 429
- Upon the trial of *Goudet* and others at the bar, *Ibid.*
- Against a second reading of the bill for settling the *East-India* trade. 430
- Against granting an aid to his Majesty for disbanding the army, &c. 432
- In the case of *Williamson* and the King. 433
- In the debate about the settlement of the *Scotch* at *Darien*. 434
- Against the bill for dissolving the Duke of *Norfolk's* marriage. 435
- Against the bill for granting an aid to his Majesty by *Irish* forfeitures and a land-tax. 435
- Against agreeing to the former bill without any amendments. 437
- Against leave for the Countess of *Anglesey* to bring in a bill for separation, &c. 441
- Against expunging a fact reported from the Committee in relation to the 2d head of the partition treaty. 442
- Ditto, in relation to the 3d head of that treaty. 443
- Against a proposal made concerning the same treaty. 444
- Against refusing to communicate the address touching the partition treaty to the Commons. 445
- Against

CONTENTS.

—Against addressing the King in favour of the four impeached Lords.	447
—Against expunging the last protest.	448
—Against an amendment made to an answer to a message from the Commons about the impeached Lords.	<i>ibid.</i>
—Against the last paragraph of the same answer.	449
—Against refusing a Committee of both houses in relation to the trial of the Lords.	450
—Against putting the question that no Lord, upon his trial, shall be without the bar.	451
—Against desiring a second free conference before the first is determined.	<i>ibid.</i>
—Against declaring Lord <i>Haversham</i> innocent of the Commons charge, &c.	453
—Against a resolution touching the printed votes of the Commons.	454
—Against passing the bill for attainting the late King <i>James's</i> Wife.	<i>ibid.</i>
—Against the amendments to a bill for securing his Majesty's person.	455
—Against several clauses in the bill relating to the Prince of <i>Denmark</i> .	457
—Against dismissing a petition against an appeal of Lord <i>Wharton</i> .	459
—Against refusing to commit the bill for qualifying members of the house of Commons.	460
—Against printing the occasional conformity bill with the Lords amendments.	<i>ibid.</i>
—Against passing the bill for raising recruits.	461
—Concerning Sir <i>John Maclean's</i> narrative to the Earl of <i>Nottingham</i> .	462
—A correct list of the Lords Spiritual and Temporal, together with the Knights, Citizens and Burgeffes of the Parliament, which met at <i>Westminster</i> (by prorogation) the 9th of <i>November</i> , 1703.	464

Parliamentary Debates.

On Monday November the 12th, The Parliament met at Westminster, and with usual solemnity the King made this speech to both houses.

My Lords and Gentlemen,

1694.

The King's Speech.

I AM glad to meet you here, when I can say our affairs are in a better posture both by sea and land than when we parted last.

The enemy has not been in a condition to oppose our fleet in these seas, and our sending so great a force into the *Mediterranean*, has disappointed their designs, and leaves us a prospect of further success.

With respect to the war by land, I think I may say, that this year a stop has been put to the progress of the *French* arms.

Gentlemen of the house of Commons,

I have had so much experience of your good affection to me, and of your zeal for the publick, that I cannot doubt of your assistance at this time; I do therefore earnestly recommend to you, to provide such supplies, as may enable me to prosecute the war with vigor; which is the only means to procure peace to *Christendom*, with the safety and honour of *England*.

I must likewise put you in mind, that the act of tonnage and poundage expires at *Christmas*; and I hope you will think fit to continue that revenue to

‘ the crown ; which is the more necessary at this
 ‘ time, in regard the several branches of the revenue
 ‘ are under great anticipations, for extraordinary ex-
 ‘ pences of the war, and subject to many demands
 ‘ upon other accounts.

‘ I cannot but mention to you again, the debt for
 ‘ the transport ships employed in reducing of
 ‘ *Ireland*, which is a case of compassion and deserves
 ‘ relief.

My Lords and Gentlemen,

‘ I should be glad you would take into your con-
 ‘ sideration, the preparing some good bill for the
 ‘ encouragement of our seamen : You cannot but be
 ‘ sensible, how much a law of this nature, would
 ‘ tend to the advancement of trade, and of the na-
 ‘ val strength of the kingdom, which is our great
 ‘ interest, and ought to be our principal care.

The Commons adjourned to the 19th of *Novem-ber* ; when the first thing they did was to order Mr. *Harley* to prepare and bring in a bill for *the frequent meeting and calling of Parliaments*, which they had been so earnest for in former sessions, and were resolved to insist upon in this. The bill was easily drawn up, and presented *November* the 22d, and read with dispatch the third time, and past *December* the 13th and sent up to the Lords, who on *December* the 18th, gave it their concurrence, without any amendments ; and on the 22d of *December*, it received the royal assent.

The Com-
mons look
back into a-
buses and
corruptions.

While the Commons were raising money, they wisely inquired into the disposal of former taxes ; and discovered so much corruption, as was high time to punish and prevent. The occasion of looking back, was given by a petition of the inhabitants of *Royston*, complaining of the great abuses commit-
 ted

ted by officers and soldiers in exacting subsistence-money.

This petition was read in the house on *January* the 12th, and after examining Mr. *Tracy Pauncefort*, agent of Colonel *Hastings's* regiment, and the officers complained of; it was resolved, ‘ That the
 ‘ officers and soldiers of the army demanding and
 ‘ exacting subsistence-money in their quarters, or
 ‘ upon their march, is arbitrary and illegal, and a
 ‘ great violation of the rights and liberties of the
 ‘ subject.’ And it was thereupon ordered, ‘ That
 ‘ the Commissioners for taking and stating the publick accounts, do upon *Friday* morning next, lay
 ‘ before this house, their observations of the abuses
 ‘ and ill practices, committed by the several agents
 ‘ of the regiments of the army, and that the Commissioners should lay before them the names of
 ‘ such agents, as have neglected to attend them upon
 ‘ summons. And that agent *Pauncefort* lay before
 ‘ the house, a particular account of all the moneys
 ‘ received from the Earl of *Ranelagh*, and how he
 ‘ has paid or disposed of the said money.

Pursuant to this order, on *January* the 25th, Mr. *Harley*, from the Commissioners for taking and stating the publick accounts, presented to the house their observations of the abuses and ill practices committed by the several agents. On *January* the 28th, Mr. *Tracy Pauncefort* presented his accounts and was examined to the truth of them. Agent *Roberts*, Agent *Wallis*, Lieutenant *Turner*, Colonel *Hastings*, and Major *Montall*, were likewise examined: The two latter were discharged, the others were taken into custody. Mr. *Pauncefort* was brought in custody to the house on *February* the 12th, where refusing to answer to several questions demanded by the house, it was resolved, ‘ That by
 ‘ obstinately refusing to answer to a matter of fact demanded of him by this house, he had thereby vio-
 ‘ lated

‘ lated the privilege, and contemned the authority
 ‘ of this house, and the fundamental constitution
 ‘ thereof.’ For which he was brought to the bar,
 and upon his knees received the judgment, of be-
 ing committed prisoner to the *Tower of London*.

On *February 15th* upon his petition, acknowledg-
 ing his offence, and expressing his sorrow, he was
 again brought to the bar of the house; but not giv-
 ing satisfactory answers, he was remanded back to
 the *Tower*.

His brother Mr. *Edward Pauncefort* was like-
 wise called in and examined; and on *February 16*.
 It was resolved, that Mr. *Edward Pauncefort*, for
 contriving to cheat Colonel *Hastings’s* regiment of
 five hundred guineas, and for giving a bribe to
 obtain the King’s bounty, be taken into custody.
 And that Mr. *Henry Guy*, a member of the house,
 for taking a bribe of two hundred guineas, be com-
 mitted prisoner to the *Tower of London*. And the
 house at the same time agreed, that a Committee be
 appointed, to prepare an humble representation to
 be made to his Majesty, laying before him the se-
 veral abuses, ill practices, and intolerable exactions
 of the agents of the regiments of the army, upon
 the inferior officers and common soldiers, whereby
 they have been forced to raise their subsistence on
 the people.

*This humble representation of the house of Commons to
 his Majesty, was presented on Monday, March 4.*

Representa-
 tion of the
 Commons.

WE your Majesty’s most dutiful and loyal
 subjects the Commons in this present Par-
 liament assembled, do from a true and unfeigned
 zeal for your Majesty’s person and government,
 (which God long preserve) and from the obligation
 that lieth upon us in behalf of those whom we re-
 present, most humbly lay before your Majesty the
 grievances we lie under, by some of the officers and
 soldiers

soldiers of the army, in raising money upon the country, under pretence of subsistence, which is such a violation of the liberty and property of your subjects, that it needeth no aggravation.

This is, in great measure, occasioned by the undue practices of some of the agents and officers; the particulars of which, we beg leave to lay before your Majesty, in order to the more effectual preventing the like miscarriages for the future.

I. Some of the Agents amongst other their ill practices, have detained the money due to the soldiers, in their hands; and made use of it for their own advantage, instead of immediately applying it to the subsistence of the officers and soldiers, for whom they were intrusted.

II. Their intolerable exactions and great extortions upon the officers and soldiers, for paying money by way of advance, their charging more for the discounts of tallies, than they actually paid: By which fraudulent imposing upon those who serve in your Majesty's armies, it appeareth, that notwithstanding they have a greater pay, than is given in any other part of the world, they are yet reduced to inconveniences and extremities, which ought not to be put upon those, who venture their lives for the honour and safety of the nation.

III. In particular, Colonel *Hastings* hath compelled some officers of his regiment, to take their cloaths from him at extravagant rates, by confining and threatening those that would not comply therewith: By which the authority, that may be necessary to be lodged in the Colonel over the inferiour officers in some cases, is misapplied, and extended so as to promote a private advantage of his own, without any regard to your Majesty's service, or to the discipline of the army.

IV. Colonel *Hastings's* Agent hath presumed fraudulently to detain five hundred guineas, out of a bounty given by your Majesty to the officers of that regiment, under pretence of giving them as a bribe to obtain the same, to the dishonour of your Majesty, and injury to the officers thereof. And hath taken two pence *per* pound, out of the money due to the officers and soldiers; for which deductions there heing no warrant, the Colonel, whose servant the Agent is, is answerable.

V. Colonel *Hastings's* Agent hath refused or neglected to give an account of the pay due to the Captains of his regiment, and their companies; which tends apparently to the defrauding the officers and soldiers.

VI. Some of the Agents assume to themselves the liberty of making great deductions: Which, since they know not how to justify, they endeavour to cover, by putting them under the shelter of the uncertain head of contingencies; which giveth them the better opportunity of hiding the frauds and abuses, that would otherwise be more liable to be detected.

VII. Colonel *Hastings* hath discharged an Ensign, by putting another in his room, contrary to the true discipline of an army; from which the Colonels have no right to exempt themselves, to enlarge their own authority, to the prejudice of your Majesty's service, and of the officers who serve under them.

VIII. Colonel *Hastings* hath taken money for the recommending to commands in his regiment, to the great discouragement of the officers who are to serve in your Majesty's armies; who ought to be such as deserve their commands, and not such as pay for them.

These things we most humbly represent to your Majesty, in confidence of having them redress'd by your Majesty's justice and wisdom.

Your

Your loyal Commons, as they have been always ready to supply your Majesty, cannot but be sensible of such miscarriages, as may either diminish the strength of your armies, or the affections of your people: And it is from a principle of the highest duty, that we take this way of applying ourselves to your Majesty for redress; having an entire assurance, that this our most humble representation will not only be graciously accepted, but that our expectations from it will be fully answered.

His Majesty was pleased to give this soft and prudent answer.

‘ GENTLEMEN, I will consider your
‘ representation, and take all care possible to
‘ have the grievances redressed.

Accordingly Colonel *Hastings* was immediately cashiered, and his regiment given to Sir *John Jacob*, his Lieutenant Colonel. And while the complaint was depending, the King in Council was pleased to order, *February* 19. That the chief officers of the army should meet twice a week, in the great chamber of the horse guards, to receive and examine all informations and complaints, that should be brought before them, of any wrong or injury, done by any officer or soldier of his Majesty's land forces, in order to redress the same: And on *March* 11. His Majesty issued out a declaration for the strict discipline of the army, and due payment of quarters; strictly forbidding to exact or demand any subsistence money, or to commit any spoil or disorder, or to use any violence or threatening words, or otherwise to misbehave themselves under pain of cashiering and loss of their pay.

To prosecute the discovery of ill practices, Mr. *James Craggs*, one of the contractors for cloathing the

Farther enquiry into abuses.

the army, was summoned to attend the house: And after he had given in his answer to the commissioners for taking and stating the publick accounts, it was demanded of him *March 7.* whether he would produce his books, and be examined before the said Commissioners upon oath: He excused himself, and refused to produce his books. Upon which it was resolved, that for so refusing, and thereby obstructing the enquiry of the house, into the disposal of the publick monies, he be committed prisoner to the *Tower of London.* Soon after Mr. *Harley* reported the farther examination of Mr. *Edward Pauncefort*, and acquainted the house, that Mr. *Richard Harnage*, another of the contractors for the cloathing of the army, had refused to be examined upon oath, before the Commissioners: Whereupon it was ordered, *That a bill be brought in, to oblige Mr. Edward Pauncefort to discover how he disposed the monies paid into his hands, relating to the army, and for punishing him in case he should not make such discovery; and that Mr. Tracy Pauncefort, Mr. James Craggs, and Mr. Richard Harnage, be included in the said bill.*

Amidst the noise of bribery and corruption, there was a petition to the house of Commons, of *Thomas Kemp* and others, on behalf of themselves and others, the ancient four hundred licensed hackney-coachmen; which being referred to a Committee, it was their opinion, that the petitioners the hackney-coachmen, had proved the substance of their complaint, and were worthy the consideration and relief of the house: And that several of the Commissioners for licensing and regulating hackney-coaches, and stage-coaches, had, by receiving bribes, and by other undue means, acted corruptly and arbitrarily, contrary to the authority and trust reposed in them by act of Parliament. Thereupon the house ordered the Committee to distinguish the Commissioners, which they accordingly did; and by their report
on

on *March* 20, *Henry Ashurst* and *Walter Overbury*, Esqs; were honourably cleared, and the others were declared guilty: And an humble address was made to his Majesty, that he would remove *Henry Killegrew*, *Henry Villers*, and *Richard Gea*, Esqs; from the commission for licensing hackney-coaches; and they were accordingly removed.

From these discoveries a common murmur arose, that an universal corruption had overspread the nation; that court, camp, city, nay and the Parliament it self were infected. Hereupon, to wipe off the suspicion from the honourable members, and to expose the guilty, on *March* 7. the house appointed *Paul Foley*, Esq; *Sir Richard Onslow*, *John Pollexfen*, Esq; *Sir John Thompson*, *Foot Onslow*, Esq; *Thomas Tekham*, Esq; *Sir Samuel Bernardiston*, *Thomas Wharton*, Esq; and *Francis Gwinne*, Esq; as a Committee to inspect the books of the *East-India* company, and also the books of the Chamberlain of *London*.

On *March* 17. Mr. *Foley* reported from the said *East-India* Committee, That as soon as they came to the *East-India* house, they called for an account of all moneys paid for the special service of the company; upon perusal of which, observing, that the greatest payment was in the year 1693, they searched for the orders for the issuing that money; the chief of which were, one dated the 13th of *April* 1693. another dated the 24th of *November* 1693, and another the 22d of *January*, 1693-4. In pursuance of which, the sums of 22275*l.* 24983*l.* and 30000*l.* were severally paid out of the cash, amounting in all to 77258*l.* besides several smaller sums, amounting in the whole to 10144*l.* which with the former sum makes 87402*l.* all issued in the year 1693, while *Sir Thomas Cooke* was Governor, and *Francis Tyssen*, Esq; Deputy Governor, for the special service of the house, and obtaining a new charter. That they found by examination of most of the persons, present

sent at the Committees of the *East-India* company, where the said orders were made, that the Governor in the said Committees, did only in general inform what sums he hath disburs't, without naming the particulars to whom, or to what service, which several of them said was a new course, since Sir *Thomas Cooke* came to be Deputy-Governor, or Governor. That in a state of the company's cash, dated at the *East-India* house the 7th of *March* 1694-5. and drawn up by several members of the company, empowered for that purpose, near all the aforesaid sums were observed to be paid, and placed to the company's account of charges general, paid out of cash, viz. In 1688 and 1689, Sir *Benjamin Batburs't* Governor, and Sir *Josiah Child* Deputy-Governor, 2230*l.* 14*s.* In 1690 and 1691, Sir *Joseph Herne* Governor, and Sir *Thomas Cooke* Deputy Governor, 13532*l.* 9*s.* In 1692 and 1693, Sir *Thomas Cooke* Governor, and Mr. *Tyssen* Deputy-Governor, 87402*l.* 12*s.* in the whole 103165*l.* 15*s.* That upon examination of the company's cash-book, having found the ballance of the 31st of *October*, 1694 was 124249*l.* they demanded of Mr. *Portmans* the Cashier, if he had the same in cash? That he replied, he had not; but instead thereof, laid before them in writing that 90000*l.* was lent upon Sir *Thomas Cooke's* notes, (which he produced) with other particulars, which made up the above-mentioned ballance. That in his note Sir *Thomas Cooke* owned the receipt of 90000*l.* which he had disburs't, and paid for 99197 pounds stock in the *East-India* company for their account; tho' they did not find any warrant for the said sum, or any of that stock transferred in the company's books for their account, exceeding 18300*l.* stock, the 16th of *January*, 1694-5. The Committee of the house of Commons further reported, that they found a contract dated the 26th of *February*, 1693, for 200 tun of salt-petre, to be brought

brought home in the ship *Seymour* from *India*, to pay 12000 *l.* for the same, and 25 *l.* freight *per* ton, besides all charges here. That 2000 *l.* which was the sum sent out to purchase the said salt-petre, was actually paid out of the company's cash, and that a bond for the remaining 10000 *l.* was given under the seal of the company, payable the 31st of *March*, 1695, whether the ship arrived in safety or not: With this limitation only, that if two hundred tun of salt-petre be not laden upon the said ship, then to repay in proportion to the want thereof. So that the result of this contract was, that the company ran the adventure of 12000 *l.* for that which cost only 2000 *l.* and must consequently lose 10000 *l.* if the ship miscarried: And on the contrary, the seller on the other hand, got ten thousand clear, without disbursing, or running the hazard of one penny; and what is yet more, a certain loss of 9 or 10000 *l.* would attend it, if the ship arrived in safety. That the Committee having examined the members of the company, concerning this contract, they owned it to be true, that the 2000 *l.* was paid, and the 10000 *l.* bond given to Mr. *Thomas Colston*. That about the same time this contract was made, so many of the interlopers as would sell their shares in the interlopers to the *East India* company, were allowed their first cost, and 25 *l.* *per cent.* advance; which was done by giving them credit for so much in the *East-India* books. That the Committee found Sir *Samuel Dashwood*, Sir *John Fleet*, *John Perrey*, Esq; Sir *Joseph Herne*, and Sir *Thomas Cooke*, were present at the court of Committees, when the orders above-mentioned were made; but they being all members of the house of Commons, the Committee did not think fit to examine them. That the rest of the Committees, who were present at making those orders, and most of whom had been examined, could give no account of the disposal of the money issued out, during the time of Sir *Joseph Herne*,

Herne, and *Sir Thomas Cooke's* government; but only that the same was paid for special service, and that a great part thereof was put into the hands of *Sir Basil Firebrass*. That one of them, *viz.* *Sir Benjamin Bathurst*, said, *Sir Joseph Herne* had the greatest part of the 13932*l.* 9*s* to dispose of; and *Sir Benjamin Bathurst* would have called for an account thereof, but *Sir Thomas Cooke* desired he would not. That the company's committee of nine, had often called upon *Sir Thomas Cooke*, to give an account to whom he had distributed the money he received, which he had some time promised, and afterwards declined to do: So that the secret of that service, and the placing of that money, lay principally with *Sir Thomas Cooke*, and *Sir Joseph Herne*. That *Sir Benjamin Bathurst* finding so great a sum as 30000*l.* charged for secret services, he had some warm discourse with *Sir Thomas Cooke* about it, to know how it was disbursed: But *Sir Thomas* refused to give him any particulars, and told him he should remember he was bound by his oath to the company, to keep their secrets. To which *Sir Benjamin* replied, he was under the same obligation, to be true to the interest of the company. *Sir Benjamin Bathurst* further said, that about *April*, 1694. understanding that they were in want of money, he looked into the cash-book, which casting up, he found a considerable sum in cash; and taking some persons with him, discoursed *Sir Thomas Cooke* about it, who said, the 90000*l.* he had received, was to gratify some persons in case the bill should pass. As for the contract about salt-petre, *Sir Benjamin Bathurst* said, that it was made by *Sir Thomas Cooke*, and *Sir Basil Firebrass*, but he knew nothing of it, till it came into court.

The Committee likewise reported, that *Sir Basil Firebrass* being examined, owned he had received upwards of 16000*l.* which was for buying shares of stocks, and of which the company had allowed:

But

But said he knew no ground the Committee of nine had to say, that a great part of the other sums were put into his hands. He confessed he invited several persons to come into the company; and offered to lay down money for several, and that if they liked it not at the years end, he would then take it off their hands; which offers he made to members of the house of Commons, among others, and gave an account to the company of his doing so, who promised to indemnify him. That concerning the accommodation with the interlopers, the company had a letter from the Lord Nottingham, *That it was the King's pleasure, that they should come to an agreement with the interlopers*: That the proposal to them was 25 per cent. for bringing in their stock to the company, and one half of the profit besides; which one half of the interlopers accepted; but Mr. Godfrey and some others, standing upon 30 per cent. Mr. Colston went off with them, and did not come into the company. That Mr. Ward said it was agreed by the interlopers, that only 2000 l. should be employed in buying of *Salt Petre*; that Mr. Colston was to have the advantage of it, which he believed was not for Mr. Colston himself, but for some other gentleman; and lastly, that the original inducement to the leave of the interlopers going out, was that agreement with Mr. Colston.

• The same Committee of the house of Commons reported, that having inspected the Chamberlain of London's books; they found an order made by a Committee of the common council for the city of London, (appointed to consider of ways and means for satisfying the debts due to the *Orphans* of the said city) and dated the 12th of *February*, 169 $\frac{1}{4}$. by which Mr. Chamberlain was directed to pay to Sir *John Trevor* Speaker of the house of Commons, the sum of 1000 Guineas, so soon as a bill was passed into an act of Parliament, for satisfying the debts of the *Orphans*, and other creditors of the
said

said city; which sum was paid and delivered to Sir *John Trevor*, on the twenty second of *June* 1694, in the presence of Sir *Robert Clayton* and Sir *James Houblon*. That they observed that the order of the Committee of the common council, which now stood dated the 12th of *February*, and that the person named therein, was put in a different hand: That examining who first writ the warrant, Mr. *Borret* the city solicitor, owned it was his handwriting; and at first said, that he believed the blank at first left therein, was filled up with the *Speaker's* name, before the Committee signed it, because he believed they would not set their hands to a blank. But all the Committee who signed it, and who appeared upon summons, declared most of them positively, that there was a blank for the person's name, when they signed it; and the rest being doubtful, Mr. *Borret* then said the blank might be filled up afterwards, though he could not tell the time: However, he owned he filled it up with another pen. That they found another order of the said Committee, dated 26th of *April*, 1693. directing the Chamberlain to pay to *Paul Jodrell* Esq; the sum of 100 Guineas, for his pains and service in assisting the *Orphan's* bill to pass in Parliament; which sum was paid him the 22d of *June* 1694. that in the Chamberlain's books were entered several sums paid to Mr. *Borret*, to defray the charge of drawing the bill, making copies thereof, and of the petitions and orders relating to the same; amongst which payments they found 5 Guineas paid to Mr. Solicitor General, for his advice therein, 5 Guineas to Mr. *Harcourt*, 20 Guineas to Mr. *Hungerford*, Chairman of the grand Committee, for his pains and service, and 60 l. 9 s. to Mr. *Jodrell*. That they understood that the *Orphans*, for the procuring of this bill, had given bond to Mr. *Smith* and Mr. *Charles Nois*, to allow them 12 pence the pound, when the bill was passed, for their pains and charges

charges in that matter, which contract being made void in that bill, the court of Aldermen were empowered to satisfy them their real expences. That upon this *Smith* and *Nois* applied themselves to the court of Aldermen, and got a petition to be signed by many of the *Orphans*, that they were willing, notwithstanding the act of Parliament, they should be allowed 12 pence in the pound. That the said *Nois* and *Smith* brought in a bill to the Committee of the common council, of their charges, amounting to 3457 l. 16 s. but, as was alledged, they pretended to be more than 10000 l. out of purse; by which argument they got subscriptions to the said petition; in which bill there was charged 1650 l. paid to Mr. *George Finch* for carrying on the act. That Mr. *Nois* and Mr. *Smith* being examined, they did utterly deny that they had given any money to any member of Parliament, on the account of the said bill, or knew of any to be given; but they were willing to get what they could, having taken a great deal of Pains in long solliciting the same; and that they did say, that notwithstanding they did charge 1650 l. to be paid Mr. *George Finch*, yet they had not paid him any money; but having delivered up his bond for the 12 pence in the pound, they valued his share of the *Orphan's* debt to amount to that sum. That Mr. *George Finch* being examined, did deny to have received any thing from Mr. *Nois* and Mr. *Smith*, or his paying any money to any member of Parliament: But wavering in his discourse, and being again asked if he ever did distribute, or know of any money distributed on account of the *Orphan's* bill? He said it was a hard thing to be asked such questions; that however he owned, that upon suggestion that there were obstructions to the bill, which must be removed by money, he applied himself to several of the *Orphans*, and did receive 100 l. from Mr. *John Chadwick*, 100 l. from Mr. *Harvey*, 100 l. from Mr. *Scot*, 50 l. from Mr. *Herne*, and had a promise

promise of 100 l. from Sir *John Smith* which was not yet paid. And lastly, they reported that Mr. *Chadwick* and Mr. *Herne* proved the payment of the money to Mr. *George Finch*, but could give no account what he had done with it.

The Speaker charged with corruption.

The Commons having debated and weighed these reports, came to this resolution on *March 12th*. That Sir *John Trevor* Speaker of the house, receiving a gratuity of a thousand guineas from the city of London, after passing of the *Orphans bill*, is guilty of a high crime and misdemeanor.

Leaves the house.

Upon this Sir *John* did not think fit to justify himself, but sent the mace to the house, and wisely absented himself.

Mr. *Foley* chosen Speaker.

So on *March 14th* the Commons resolved to proceed to the election of a new Speaker; Sir *Thomas Littleton* and *Paul Foley Esq*; were proposed; the majority inclined to chuse the former; but Mr. *Wharton* Comptroller of the King's household, speaking up for him with more than ordinary zeal, the majority did from thence presume that Sir *Thomas Littleton* was too much in the court interest, and upon that prejudice only they elected Mr. *Foley*; who on the next day, *Friday March 15* was approved by his Majesty on the throne.

Sir *John Trevor* expelled.

On *March 16* the Commons proceeded upon the report from their Committee, and resolved, ' That Sir *John Trevor* late Speaker of this house, being guilty of a high crime and misdemeanor, by receiving a gratuity of a thousand guineas from the city of *London*, after passing the *Orphans bill*, be expelled this house.' And so he retired to enjoy his other beneficial place, the Mastership of the rolls.

On *March 18*. Mr. *Bird* made his excuse for offering of money to a member of the house, to present a petition against a bill depending in the house, and upon his knees had a reprimand from Mr. Speaker. And it was then resolved, ' That whoso-

ever

‘ ever shall discover any money or other gratuity,
 ‘ given to any member of the house, for matters
 ‘ transacted in the house relating to the *Orphans*
 ‘ bill, or the *East-India* company, should have the
 ‘ indemnity of the house for such guilt.’ And to
 carry on the needful inquisition, they ordered, that
 Mr. *Charles Nois*, Mr. *James Smith*, Mr. *George*
Finch, Mr. *Dowse*, Mr. *Herne*, Mr. *Chiswell*, and
 Mr. *Chadwick*, should attend the next morning.
 They did so, and it was then *resolved*, That Mr.
Charles Nois having to several persons pretended he
 was out of purse, or engaged to give great sums of
 money to several members of this house, in order
 to pass the *Orphans* Bill, which on his examination
 he denied to have given or promised, has been an
 occasion of scandal to this house and the members
 thereof ; for which he was taken into the custody of
 the Serjeant at arms. And the house proceeding to
 clear and purge themselves, did soon after *resolve*,
 That Mr. *Hungerford* a member of the house, hav-
 ing received twenty guineas for his pains and ser-
 vice, as chair-man of the Committee of this house,
 to whom the *Orphans* bill was committed, is guilty
 of a high crime, and misdemeanour.

On *March* the 26th the Commons proceeding on
 the report relating to the members of this house
 taking money ;

Farther pro-
 ceedings of
 the Com-
 mons against
 bribery and
 corruption.

Resolved, That Mr. *Hungerford* a member being
 guilty of a high crime and misdemeanour, by re-
 ceiving twenty guineas for his pains and service, as
 chair-man of the Committee to whom the *Orphans*
 bill was committed, be expelled the house. And
ordered, that Sir *Thomas Cooke* a member, having
 refused to give an account of the money of the *East-*
India company by him distributed, be committed
 prisoner to the *Tower* ; and a bill be brought in to
 oblige him to give such account. This bill was
 presented by Mr. *Bridges* on *March* the 28th and
 received and read the first time: The next day it

was read a second time, and the cashier to the *East-India* company, according to order, produced the warrants for the sums paid for *special service* or *charges general*.

On *March* the 30th Sir *Basil Firebrass* delivered in an account of monies by him paid for the service of the *East-India* company; and Sir *Thomas Cooke* petitioned the house, that he might be heard by council before the bill do pass, which was granted.

On *April* the 2d, the Commons in a grand Committee went through the bill, and made amendments, which were reported the next day.

On *April* the 6th, Sir *Thomas Cooke's* council were heard, and the bill was read a third time and passed, and sent to the Lords for their concurrence.

At the first reading of this bill in the house of Peers, the Duke of *Leeds*, president of the council, made a serious speech against it, and introduced his discourse with a solemn protestation of his own innocence and disinterest in the matter.

On *April* the 13th, their Lordships sent a message to the Commons, desiring that Sir *Thomas Cooke* might be permitted and ordered to appear at the bar; and the Commons did accordingly order by warrant from the speaker, that Sir *Thomas* should attend the Lords at their bar. He declared himself ready and very willing to make full discovery, and said, he would have done it before in the house of Commons, if he could have obtained there an indemnifying vote. It was demanded of him, what he would be indemnified from? He answered from *scandalum magnatum*, and all actions and suits, except from the *East-India* company, whom if he had injured, he would be bound to satisfy in the utmost rigour.

Sir *Thomas Cooke* being withdrawn, the Duke of *Leeds* stood up and declared, He was very glad that Gentleman was come to such a temper, as to

be willing to discover, and thereby to prevent a bill, which he thought to be of a pernicious nature. Then his grace minded their Lordships, how the Commons took care of the reputation of their house, in asking Sir *Thomas Cooke*, whether he had distributed any money among any of their members? Who purged them by a solemn protestation, that he had not. His Grace therefore thought it seasonable, that the Lords should have some regard to their own honour, and that Sir *Thomas* might be called in and asked, whether he were willing upon oath to purge all that sat there. This motion was rejected, and the Lords resolved, that the bill sent up from the Commons against Sir *Thomas Cooke*, should not be proceeded upon: But that a Committee should be appointed to draw up a bill to indemnify him upon due discovery. This Committee being withdrawn, and having made some progress, notice came from Sir *Thomas Cooke*, that he was afraid he might be misapprehended as to what he had said concerning a discovery, by having expressed himself that he was *ready* and *willing*, for by *ready* he only meant the more *willing*; and that he should need at least four months to make the discovery he promised. This was highly resented by some of the Lords of the Committee, who immediately moved, that the Committee might rise and report to the house this fresh matter, and the bribing of Sir *Thomas Cooke*, that so the bill designed to oblige him to give an account, might now proceed; but some other of the Lords mollified the meaning of Sir *Thomas Cooke*, and prevailed with him to beg a favourable treatment, and engage to discover within seven days; upon which the Committee went on with the softer bill, to indemnify him from any actions he might be liable to, by reason of his discovery, &c. And Sir *Thomas* had leave to go abroad in custody, to inspect his papers, that he might the better prepare for such discovery. This

Excuses of
Sir *Thomas*
Cooke.

bill of indemnifying had some amendments made to it by the Commons, to which the Lords agreed on *April* the 19th.

Sir Thomas
Cooke's ac-
count.

In pursuance of the act to indemnify Sir *Thomas Cooke*, a Committee of both Houses was appointed to receive the discovery to be made by him. He appeared before them on *April* 23^d and being sworn, he delivered in writing an account of the disposal and application of several large sums: As of 10000*l.* delivered to *Francis Tyssen*, Esq; 12000*l.* to Mr. *Richard Acton*, 338 *l.* to Mr. *Nathaniel Molineux*, 220 *l.* to Sir *John Chardin*, 350*l.* to *Paul Dominique*, Esq; 382 *l.* to Captain *John Germain*, 1000 guineas to Colonel *Fitzpatrick*, 545*l.* to *Charles Bates*, Esq; and 40000 *l.* to Sir *Basil Firebrass*. All which sums were said to be paid for special service of the *East-India* company, to defray the charges, and acknowledge the pains and services of those persons and their friends, on soliciting to prevent a settlement of a new *East-India* company, and to endeavour to establish the old; besides 500 guineas paid to the Attorney General, 200 to the solicitor and 200 more to Mr. *Sambrooke*.

The original being read by Sir *Thomas Cooke*, the Committee conceived it was imperfect, and not such as the act required; and therefore they acquainted Sir *Thomas*, that they expected a more particular account from him. Upon this Sir *Thomas* began to be more plain, and said; ‘ That as to the first sum
‘ of 10000 *l.* paid to Mr. *Tyssen*, he gave him no
‘ directions how it should be disposed, but it was in
‘ expectation to have the Charter of the *East-India*
‘ company confirmed; that it was intended for the
‘ service of the King, tho’ he could not say the
‘ King had it; but he believed, that Mr. *Tyssen* told
‘ him, that he delivered it to Sir *Josiah Child*, who
‘ presented it to his Majesty, as a *customary present*;
‘ for the like had been done in former reigns, as by
‘ the

‘ the books of the company might appear. That
‘ as to the 12000 *l.* next mentioned, it was paid to
‘ Mr. *Richard Aetou*, who declared, He had several
‘ friends capable of doing great service to the com-
‘ pany’s affairs, and several of them would speak
‘ with Parliament-men; That he could not parti-
‘ cularize who they were, but the end aimed at, was
‘ to get an act of Parliament. That Mr. *Aetou* did
‘ again say, He could tell some persons employed
‘ in that affair; that he did understand that this
‘ money was to be laid out for promoting their af-
‘ fairs in Parliament: That he could not say to
‘ whom it was given, but understood it went no
‘ further than the house of Commons; and that he
‘ found no good fruit by such distributions.’ As to
the 338 *l.* paid to Mr. *Molineux*, Sir *Thomas* said,
That Mr. *Molineux* told him this money was to be
disposed of to the Lord *Rivers*; but since his con-
finement *Molineux* had told him that my Lord ne-
ver had it, but he had made use of it himself. As
to the 1000 guineas paid to Mr. *Fitzpatrick* deceas-
ed, *Fitzpatrick* told him, he had a great interest
with the Lord *Nottingham*, that he would try what
he could do, and he did not doubt but he might
do great services, provided he had such a sum of
money; yet he believed, *Fitzpatrick* kept the money
himself, and that there was a promise of a further
sum, if the act for a new company did not pass.
That the 545 *l.* was to be paid to Mr. *Charles*
Bates when the charter was settled, and was accord-
ingly in *October* 1693. that he had no acquaintance
with Mr. *Bates*: But Sir *Basil Firebrass* told him,
that *Bates* had acquaintance with several Lords, and
named the Marquis of *Carmarthen*, now Duke of
Leeds. That as to the first 10000 *l.* paid to Sir
Basil Firebrass in *November*, 1693. it was always
his apprehension, that Sir *Basil* kept it for himself,
to recompence his losses in the interloping trade:
And as to the several other sums, compleating the

sum of thirty thousand pounds paid to Sir *Basil*, he presumed he had occasion to distribute it to several persons. As to the sums paid to Sir *John Chardin* and Mr. *Dominique*, he believed they were expended in the company's service. As to the 382 l. to Captain *Germain*, it was paid to bring him off from the interlopers, and engage him in the company's interest.

On *April* 24th Mr. Comptroller reported this examination to the house of Commons; upon which the debates were very warm. One member said, *No man is innocent, if every man be guilty: We cannot be innocent, if we do not lay our hands upon these men that have betrayed us, and the company, and, I hope themselves. Let us go as far as we can, and then the fault will not lie at our doors.*

Conference
of both
houses.

In the middle of these debates, a message came from the Lords, desiring a present conference in the painted Chamber; which was immediately had. Their Lordships proposed, that all future examinations of any of the persons mentioned in the report of Sir *Thomas Cooke*, be had before a Committee of both houses. To which the Commons agreed.

Examina-
tion in a
Committee
of both
houses.

This Committee met the same day: and Sir *Basil Firebrass* there deposed, that the first ten thousand pounds were given to him, as a gratuity for his losses, some time before the charter for the *East-India* company passed: That ten thousand more was received by him, by virtue of a contract with Sir *Thomas Cooke*, for favour and services done. That the stock at the time of the contract valued at 150 l. per cent. falling afterwards to 100 per cent. the difference was thirty thousand pounds; which they made up to him. He was positive, the 10000 l. and 30000 l. were for himself, and for the use of no other person, except 500 l. paid to Mr. *Powell*, because he had good interest amongst the interlopers. The Committee asked Sir *Basil*, *What particular service he did, or was to do, for procuring a new charter?* To which he answered, that he was unwilling

willing to take too much upon himself; that he thought he did great service to the company in soliciting their cause; but wished he might be excused to another time, being now much indisposed.

The next day Sir *Basil Firebrass* being again examined, further deposed, ' That having had a
' treaty with Mr. *Bates*, whom he thought able to
' do service in passing the charter, and to have acquaintance with several persons of honour; he
' gave two notes for 5500 Guineas to Mr. *Atwell*,
' payable to Mr. *Bates* or bearer; one note for 3000
' pounds, the other for 2500 Guineas, intended for
' the doing business. That he had these notes from
' Sir *Thomas Cooke*, and was accountable to him for the
' same: That he believed Sir *Thomas* did not know
' how these notes were to be disposed of; but that he
' had told Sir *Thomas*, that Mr. *Bates* had acquaintance
' with several Lords; naming the *Lord President*, and
' others. That the deponent could not tell who this
' money was designed for, or what *Bates* did with it,
' for that *Bates* would not deal on such terms of telling
' names. That *Bates* did introduce him several
' times to the *Lord President*; who made some
' scruples in point of law, which were removed by
' the Attorney-General. That one day last week,
' the five thousand Guineas were offered by *Bates*
' back again to him; *Bates* saying, *that this might*
' *make a noise*. That on *Tuesday* last, 4400 Guineas
' were brought to this deponent; and that the other
' 400 Guineas were still in *Bates's* hands.— That
' they found great stops in the charters, which they
' apprehended proceeded some times from my Lord
' *Nottingham*, and sometimes from others. That
' Colonel *Fitz-patrick* received a thousand Guineas
' on the same terms as was with others; if the
' charter passed. That he pretended great interest
' with the Lord *Nottingham*; and that he could get
' information from the Lady *Derby*, how the Queen's
' pleasure was. That Colonel *Fitz-patrick* said, he

‘ would try to prevail with the Lord *Nottingham*,
 ‘ for five thousand Guineas upon passing the charter,
 ‘ and five thousand pounds on the act of Parliament:
 ‘ But that the Earl of *Nottingham* absolutely re-
 ‘ fused to take it. That the deponent heard, a note
 ‘ signed by Sir *Josiah Child*, and Sir *Thomas Cooke*,
 ‘ for fifty thousand pounds, was lodged in *Tyssen’s*
 ‘ hands for about a year, to be paid in case the act
 ‘ passed; and that it was refused, as he understood,
 ‘ by my Lord *Portland*, to whom he had offered it.’

Deposition
 of Mr.
Acton.

Mr *Richard Acton* being examined before the same Committee deposed, that he received the sums of ten thousand, and two thousand pounds of Sir *Thomas Cooke*: That he told Sir *Thomas*, he had friends who would take pains to do the company service; but they would have ten thousand pounds. That he had two thousand pounds for his trouble in attending two sessions; and that if the bill for a new company had passed, he was to have had nothing. That he did not distribute the ten thousand pounds to members, but to those who had interest with members. That some of them to whom he gave money to be distributed, were Mr. *Cragg’s* with whom this deponent was concerned in cloathing the army, Mr. *Wallis*, Mr. *Ridley*, Mr. *Dominique*, &c. and that Colonel *Goldwell*, and Colonel *Dean*, (who were since dead) were the only persons which he himself gave money to.

Deposition
 of Mr.
Bates.

The next day *April* 26th the Committee of both houses proceeded upon the examination of the rest of the persons mentioned in their report, and Mr. *Bates* being sworn, deposed, that Sir *Basil Firebrass* did apply himself to him, to use his interest for obtaining a charter for the *East India* company, the old charter being forfeited; and told him, they would be grateful: That the deponent did use his interest with the Lord *President*, who said, *He would do what service he could.* That the Lord *President* had delivered his opinion publickly, for confirming

firming the charter ; and thought the forfeiture a hardship. That having received notes for five thousand five hundred Guineas, he told the Lord *President* what sum he had, and would have passed it upon my Lord, but he refused it. That thereupon in regard he could not very well tell money himself, he did ask leave of my Lord, that his servant might tell the money ; to which my Lord answered, *He gave leave*, and accordingly Monsieur *Robart* did receive the money. That after Monsieur *Robart* had received it, he brought the same to the deponent, in whose possession it remained, till he paid 4400 Guineas thereof back again to Sir *Basil*. That as to the 600 Guineas remaining of the 5000, he said he had spent some of them : That the reason he paid back the 4400 Guineas, was the noise that it made ; and that people might think that he did not deserve them ; and that the whole 5500 Guineas, were for his own private use. However being soon after re-examined he owned, *that the 4400 Guineas which he paid back, were brought to him by Monsieur Robart.*

Sir *Basil Firebrass* being once more examined, deposed, That Sir *Thomas Cooke*, and others, observing him active, and to have interest among Noblemen, applied themselves to him to endeavour the procuring a new charter. That Sir *Thomas Cooke*, was apprehensive, that it stuck with the Duke of *Leeds* ; and told the deponent, that some way must be found out to the Duke. That he thereupon applied himself to Mr. *Bates*, who would not pretend to talk with the Duke ; but said, the deponent must tell him what the company would do. That he told Mr. *Bates*, he thought a present might be made of 2 or 3000 *l.* That Mr. *Bates* told him, he went to St. *James's*, and said he had spoke with his friend ; and that more had been offered him by the other side : And that at another
time

time *Bates* said, that 5000 *l.* had been offered him by another hand on the same side. That it was at last agreed, that if the Duke did act in favour of the company, he should have 2 or 3000 guineas, and *Bates* 500 guineas to himself. That from the time the notes for the 5500 guineas were given to *Bates*, they had free access to my Lord President; and found him easy and willing to give the company his assistance. That Mr. *Bates* was shy, and called it, his friend at St. *James's*. That the condition of one draught of a counter-note, which Mr. *Bates* brought, was worded, In case the Lord President did not assist the company in passing the charter; to which this deponent made an alteration, by putting out my Lord's name, and making it not payable, in case the charter should not pass. That about a week before the money was brought back again, this deponent went to *Bates* about it, who then told him, it was all for himself. That the deponent did intend a distribution of the above-mentioned sum of thirty thousand pound, in manner following: To Sir *Edward Seymour*, Sir *John Trevor*, and Mr. *Guy*, ten thousand pound, in case the charter and act of Parliament passed; to the merchants interlopers ten thousand pound, and to himself ten thousand pound. That as to five thousand pound, part of the said thirty thousand pound, he did design one third thereof to Sir *Edward Seymour*, one third to Sir *John Trevor*, and one third to Mr. *Guy*. That Mr. *Guy*, to whom he made the proposal, told him, they did not desire to meddle with the stock, but would do any service they could to promote getting the charter. That Sir *Edward Seymour* afterwards meeting this deponent, chid him for making that proposal, and told him, he would never have any thing to do with him, if he ever made any such offers. That the deponent thought himself obliged in honour, to pay two thirds of the five thousand pound, when received, to Sir

John

John Trevor and *Mr. Guy*; and intended to keep the other third, (which *Sir Edward Seymour* refused) for himself. And that *Sir John Trevor* did some time afterwards give him some hints of his expectation.

Sir Josiah Child being examined, said, He never disposed of ten pounds of the *East-India* company's. That he did recommend it, that a present of fifty thousand pounds should be made to the King, if his Majesty would so far wave his prerogative, that an act of Parliament might be passed for settling the company; that *Mr. Tyssen* had told him, the King would not meddle in that matter, as he had been informed from my Lord *Portland*.

These examinations being reported to the house of Commons, *April 27.* one of the members stood up, and urged the necessity of searching this matter to the bottom; and to provide laws for the future, to prevent the members of the house taking money. That ten thousand pound had been pretended to be given to the King; and fifty thousand pound offered to buy an act of Parliament or gain their charter. That the facts proved themselves, and that *Mr. Bates* appeared an unfortunate person, whom the care of his friend (the Duke of *Leeds*) and the sense of his oath, had caused to make such contradictions. Another member said, That there were never greater, and more general instances of corruption: He insisted on the necessity of a speedy remedy, and that it was very fit the house should let the world see that they were in earnest. He put them in mind of the practices and arts that had been used to stop their discovery; so that what they had, was got as it were, by the utmost force and constraint; at which they could not wonder, when they found so great a man at the bottom. But there is, *added* *be*, no person in a post so high that this house cannot reach; no man's practice or art so deep, that this house cannot discover. Here have been all imaginable

Debates of
the Com-
mons.

ginable endeavours used to obstruct the enquiry; first his Majesty's name was made use of at the Committee, with hopes, perhaps, that this might stop any further search; and if it were made use of there, you may reasonably expect it was made use of elsewhere. But that appeared to be so far from being a reflection on the King, that Sir *Josiah Child* often complained of it as a rudeness to his Majesty, that what other Kings had yearly as a present, they had not offered to his Majesty in three years: It was indeed, if not a matter of right, a matter of custom. As for the Earl of *Portland*, who may be named for his honour upon this occasion, when the great sum of fifty thousand pound was pressed upon him, he did absolutely refuse it, and told them, *He would for ever be their enemy and opposer, if they offered any such thing to him.* Having thus mentioned the innocent, I must, *continued he*, say somewhat of the guilty. A stop having been put, the Duke of *Leeds* must be applied to. Certainly there never was a more notorious bribery; and that in a person, whom we might have expected to have been free from such a crime, if you respect either the greatness of his place, or of his former obligation. It is fit to speak plainly on such occasions; the house ought to endeavour to remove such a person from the King's council and presence. What security can the nation have, when we are bought and sold to one another? We have seen our designs defeated, our attempts betrayed, and what wonder is it? Can any man think it more strange, that our counsels should be sold abroad, than that charters should be sold at home? Certainly a man may reasonably believe, that he who will sell the subjects, will sell the kingdom, if he can have a sufficient bribe. What Prince can be safe in such counsels, which are given for private advantage? Several proposals, *said he*, in the conclusion, may here be offered for remedy. One, That this house should address his Majesty to

remove the Duke of *Leeds*; but, with submission, an address is too mean, too low a thing for this house to do at this time, and upon such an occasion; I therefore move we may lodge an impeachment.

Tho' this speech was approved in the main, yet some expressions in it were thought too reflecting; and another member stood up and said, He wondered the Gentleman who spoke last, should say that, which he hoped he did not believe, *That that Lord should have sold our counsels to France.* Thereupon the other rose again, and said, It was with some uneasiness he stood up, for he did not take pleasure to rake in a dunghill: That he was far from saying the Duke had betrayed our counsels, but argued only from possibility, that it was as reasonable to believe one as the other; and that when honour and justice were not the rule of mens actions, there was nothing incredible that might be for their disadvantage.

Several members seconded the motion for an impeachment; adding, That such actions as these were a blemish, if not a scandal to the revolution it self. And it being demanded, *By what law it was a crime to take money at Court?* It was answered, *That if there was not a law, it was time there should be a law to prevent it; that the law of God was against the Duke, and that there were Parliaments to punish such crimes.* It was again suggested, That it seemed doubtful whether there was matter in this report for an Impeachment; and thereupon some of the Duke's friends objected, *That there was no law, and so no transgression,* and moved for excusing him. But the question being put, that *there did appear, that there was in the report made from the Committee of both houses, sufficient matter to impeach Thomas Duke of Leeds of high crimes and misdemeanors,* it was carried in the affirmative; and Mr. Comptroller was

Resolution
to impeach
the Duke of
Leeds.

the name of the house, and of all the Commons of *England*, to lodge the said impeachment, which in due time they would make good.

His defence
in the house
of Lords.

About the same time that Mr. Comptroller made the report to the Commons, from the Committee of both houses, the Lord-privy-seal made the report to the Lords; after the hearing of which, the Duke of *Leeds* said, ‘ That he had formerly protested himself to be clear in this matter, so he still denied upon his faith and honour, that he was guilty of any such corruptions as were suggested against him; and that if the whole truth were laid open, it would tend to his honour and advantage. That he would be very free in telling their Lordships now before-hand, all that passed, in which he was any way concerned. That Mr. *Bates* introduced Sir *Basil Firebrass* to him, and that he had conferences with Sir *Basil* upon the subject of the *East-India* Company, which *Firebrass* was concerned for. That some time after, Mr. *Bates* informed him, that he was to have a sum of money of Sir *Basil Firebrass*, and desired his Lordship to lend him one of his servants, (Mr. *Bates* keeping but a footman) to receive the money: And so he lent him Monsieur *Robart*. That he knew nothing of the sum; but afterwards Mr. *Bates* came to him and told him, he had received 5000 guineas, and that in acknowledgment of the many favours he had received from his Lordship’s hands, he humbly desired him to accept the same; which he refusing, Mr. *Bates* pressed him earnestly to take one half or a quarter; which he still refused, declaring he would not touch a penny of them: That however he told him, since he had taken them, he thought there was no need of returning them; that they were his own, and wished him good luck with them. And thus, concluded his Grace, *I was but a shadow to Mr. Bates.*

The Duke of *Leeds* had scarce ended his speech, when private notice came to the house of Lords, that the Commons were proceeding to an Impeachment against him; whereupon he left the house in great haste, and going to the door of the house of Commons, desired to be admitted to be heard. This being granted, and a chair placed for him within the bar, his Grace sat down, put on his hat, then rose, uncovered himself, and made a speech to the house; wherein, in the first place, ‘ He thanked them heartily for this favour of hearing him, and then proceeded, declaring his innocence, and that he had attended sooner, if he had had the least intimation what the house was upon. That the occasion of his coming, was from the two votes upon the report from the Committee of both houses; that he had done all he could to be informed of the particulars, but could not. That hearing of a report, a *monstrous long report*, and finding himself concerned, he was earnest to be heard, to the end he might not lie under the displeasure of either, or both houses. He said, it is a bold word, but ’tis a truth, *This house had not now been sitting but for me*. He added, That he was formerly pursued by this house in two points: For being for the *French* interest, and for popery; that he had then, if he might have been heard, justified himself, and hoped he had since, and would by all the actions of his life. That one *Firebrass*, by the means of Mr. *Bates*, was introduced to him: That he had long known Mr. *Bates*, and if he was not much deceived in him, he could not believe that Gentleman would have transacted such a matter, if put upon it. That the evidence was but a hear-say, and he hoped they would not condemn on hear-say. That as well as a money part, there was also a treaty part. That as to the money part, much of it was false; and of what was true, he made no secret: That he could, and did say,

‘ upon

The Duke's
Plea in the
house of
Commons.

‘ upon his faith and honour, that neither directly nor
 ‘ indirectly, *He ever touched one penny of the money.*
 ‘ That he observed a great deal of pains had been
 ‘ taken to hook in this matter by a side wind: That
 ‘ this *Firebrass* thought his merit would deserve
 ‘ 10,000*l.* and 30,000*l.* That this 5500 guineas
 ‘ was no part of the 40,000*l.* That the witnesses
 ‘ were called in by the Committee; but that *Firebrass*,
 ‘ after his first hearing, desired to be called in again
 ‘ himself, contrary to all rules; which shewed him
 ‘ at least a very willing witness. That he had a
 ‘ thread which he hoped to spin finer, and make it
 ‘ appear, that this was a design laid against him
 ‘ long before the naming of this Committee; that
 ‘ warning was given him some time since, *That this*
 ‘ *matter would be improved against him;* and that
 ‘ *Firebrass* had been told, *He should be excused if he*
 ‘ *should charge the Duke.*’ His Grace in the conclu-
 ‘ sion said, ‘ He asked no favour, but their favourable
 ‘ Justice; and that no severe sense might be put on
 ‘ what would bear a candid one. That if it might
 ‘ be, the house would reconsider what was done, or
 ‘ at least, preserve him from cruelty, and not let
 ‘ him lie on the rack, and be blasted until a Parlia-
 ‘ ment should sit again; and that if they would not
 ‘ reconsider, that then he might have speedy justice;
 ‘ for he had rather want Council, want time, or
 ‘ want any thing, than lie under their or the nation’s
 ‘ displeasure.

This speech being ended, and the Duke with-
 drawn, Mr. Comptroller, attended by many mem-
 bers, went up to the house of Lords with the Im-
 peachment, and at the same time it was proposed in
 the house, that the articles should be forthwith
 drawn up; and thereupon the Committee which
 were joined with the Lords, were ordered to with-
 draw, and prepare the same.

Afterwards

Afterwards the house of Commons took the Duke's speech into consideration, and one of the members stood up and said, That by this noble Lord's speech, the point was now, whether the house would arraign the Committee of both houses, or go on with their Impeachment? That the Duke when he came to the matter, would not enter into particulars, but passed it over with excuse of wanting time: That he made no excuse as to the facts; that his argument of a contrivance was, that the 5000 guineas charged on him, was no part of the 40,000*l.* *Firebrass* was to account for: That this was rather an aggravation of the crime, for Sir *Thomas Cooke* had a double account, one with, and another without the 5000 guineas; which was an indication, that if there were a contrivance, it was not by the Committee, but with Sir *Thomas Cooke*, to stifle the enquiry, and conceal the corruption. That the speedy Justice of the house was to be wished and desired; and that if there was such a contrivance, such a fraud as was mentioned by that noble Lord, 'twas not to be doubted, but that house where he was impeached, would clear him. Another member moved, That a Committee might be appointed to withdraw, to consider what was to be done in order to gratifie that noble Lord by speedy Justice; and observed that his friend Mr. *Bates* contradicting himself, was more than the evidence of *Firebrass*. That Monsieur *Robart* was a servant of my Lord President's, and was fled; that Mr. *Bates* said he kept the money in his house; that sometimes he had spent it, that sometimes it was in his closet: That he did own the money was not in his house on *Sunday*, but on *Tuesday* morning Monsieur *Robart* brought it to him, but he would never declare from whom he brought it.

The Duke's
speech con-
sidered.

In the middle of these debates a message was sent from the Lords, to acquaint the house of Commons,

that it was the opinion of their Lordships, that the discovery made by Sir *Thomas Cooke* was not satisfactory, nor so full as to entitle him to the benefit of the act to indemnify him, and that their Lordships desired the Concurrence of the Commons. They thereupon pass'd a vote, as the Lords had done, and sent it up by the Lord *Coningsby*.

Bill for imprisoning Sir *Thomas Cooke* &c.

On *Monday April* the 29th, the Lords acquainted the Commons that they had passed a bill entitled, *an act for imprisoning Sir Thomas Cooke, Sir Basil Firebrass, Charles Bates, Esq; and James Craggs, and for restraining them from alienating their estates*, to which they desired the concurrence of the Commons. After the reading of this bill, Mr. *Comptroller* repeated the articles of Impeachment against the Duke of *Leeds*, for contracting and agreeing with the merchants trading to the East-Indies, or their agents, for 5500 guineas, to procure them a Charter of confirmation, and a Charter of regulation; or by his agents and servants, with his privity and consent. These articles were agreed to by the Commons, and by their order sent up to the house of Peers; where upon reading of them, the Duke of *Leeds* made another vindication of himself much to the same purpose; adding, That this storm which was now fallen upon him, was some time a gathering; and it was promoted by a faction and a party who had a pique against him, and an intention to delay the King's business; that he had an original letter which gave him an account of this, some time before it broke out, and it appeared only levelled against him, because none else were prosecuted; that there appeared a joy they could catch at this pretension; and that Sir *Basil Firebrass* was treated with to discover only this part, and so he should be excused from any other discovery. His Grace concluded with praying a copy of the articles of impeachment, and of the report of the Committee of both houses, which was readily granted.

April the 30th, the Commons were acquainted by a message from the Lords, that the Duke of *Leeds* had put in his answer to the articles exhibited against him, of which their Lordships had sent a copy to them. Whereupon the Commons ordered, That the Committee who were appointed to prepare the articles against the Duke, should draw up a replication to his answer.

The Duke
answers the
articles.

On *May* the 1st, the ingrossed bill from the Lords for imprisoning Sir *Thomas Cooke*, &c. was read the third time by the Commons, and sent up to the Lords by Sir *Herbert Crofts*, with some amendments. At the same time, a message was brought from the Lords, *That their Lordships conceiving the session may not continue much longer, they think themselves obliged in justice, to put the house of Commons in mind of the impeachment brought up against the Duke of Leeds; to which the answer of the Duke of Leeds having been transmitted to the Commons, the Lords desire they may be acquainted, when this house can be ready to make good the articles of the said impeachment, to the end a certain day may be appointed by the Lords, for that purpose.* The Commons resolved to send an answer by messengers of their own, and to proceed according to the course of Parliaments.

On *May* the 2d, The Duke complained in the house of Peers, of the delay of the Commons in not replying to his answer; alledging, that the impeachment was only to load him with disgrace, and that they never intended to enquire after others; and that they shewed their partiality and spleen, in their amendment to the bill for imprisoning Sir *Thomas Cooke*, Sir *Basil Firebrass*, and the others; whereby Sir *Basil* was to be bailed, because he was the witness against him. The same day the Commons resolved, *That the offer of any money, or other advantage to any member of Parliament, for the promoting any matter whatsoever depending, or to be transacted in*

Parliament, was a high crime and misdemeanor, and tended to the subversion of the English constitution. Then Mr. Comptroller reported from the Committee, That Monsieur Robart, who was a material witness for making good the articles against the Duke of *Leeds*, had been summoned to attend the Committee, but could not be found; and it not being yet known where he was, they were of opinion not to make any further progress in the matter to them referred, until they had the further direction of the house; upon this resolution agreed to by the house, it was ordered, That Monsieur Robart should attend the house to be examined, and should be summoned by the serjeant at arms.

On *Friday May* the 3d, a motion being made in the house of Lords, to read the bill for granting to the King a duty upon glasse, &c. the Duke of *Leeds* rose up and spoke to this effect, That it grieved him to think, that he who was as much as any man for the dispatch of the money-bills, and never opposed any, should be now constrained to do it: But he hoped their Lordships would consider his case, not only as his, but the case of any of their Lordships; for it was in the power of a Tinker to accuse at the end of a session, and one might lie under it without remedy. But since the Commons by mismanagement, had delayed this money-bill for six weeks, it would not be of mighty ill consequence, if it should lie a day or two longer. In the mean time, he must earnestly press, that if the Commons did not reply, the impeachment might be discharged; for if it were not, he might lie under the reproach of it all his Life. He had reason to believe the Commons would do nothing in it; for though they had appointed a Committee to meet, they had met but once, and that for form sake.

On the same Day, Mr. Speaker of the house of Commons acquainted them, That the Serjeant at arms

arms had informed him, that his messenger had been at the Duke of *Leeds's*, and spoke to his porter, and enquired for Monsieur *Robart*, to summon him to attend this house; and that the porter said, he was not within, nor could tell when he would be; and that he had not seen him for three days past; and that he believed he was in the country, but could not tell where.

Upon this, the Commons desired a conference with the Lords, to which they agreed immediately in the painted chamber; where the managers delivered a paper to their Lordships, importing that the Commons will make good the charge against the Duke of *Leeds*, in manner and form as in the articles mentioned; that the Committee appointed to draw the said articles, had been daily employed in looking into the evidences against the said Duke, but had met with an obstruction, in that Monsieur *Robart*, a material witness, was withdrawn since the impeachment was carried up, which hath been the reason the Commons have not yet acquainted their Lordships, when they can be ready to make good the said impeachment, the Commons being desirous that justice be done without any manner of delay.

This paper being read in the house of Lords, it was moved and agreed to without any objection made by the Duke of *Leeds*, That an address should be made to the King, to issue a proclamation for stopping the ports, and seizing Monsieur *Robart*; which was accordingly done. Then the Duke rose up, and blamed the Commons for doing an unprecedented thing; ‘to charge a man with crimes before
‘they had all the evidences to make it good: That
‘it was strange they should say they wanted a material witness, and lay it upon him to produce this
‘witness; as if a person were obliged to produce evidence to accuse himself. He would be very ingenuous and tell their Lordships, that in truth he had
‘sent Monsieur *Robart* to see his daughter *Lempster*,

‘ and ordered him to call at *Minns* to see his daughter
 ‘ *Plimouth* ; where the messenger of the house of
 ‘ Commons might have known he was gone, if he
 ‘ had asked. That he had sent a messenger on pur-
 ‘ pose for *Robart* ; that *Robart* returned about two of
 ‘ the clock on *Sunday* morning ; but being informed
 ‘ that his Lord was impeached, and Mr. *Bates* in
 ‘ prison, he was frightened, and went towards *Harwich*,
 ‘ designing for his own country, *Switzerland*, through
 ‘ *Holland*. That his Grace knew by the temper of
 ‘ the man, and by a particular knowledge he had of
 ‘ him, that he would not be seen here again in haste.
 ‘ So that my Lords, said his Grace, if this man
 ‘ be insisted upon as a material evidence, and that
 ‘ my trial is to be delayed till this person is forth-
 ‘ coming, when am I likely to be tried ? I humbly
 ‘ move your Lordships that you will come to some
 ‘ resolution, that if this matter be not immediately
 ‘ proceeded upon, so that I may be tried before the
 ‘ ending of this session, the impeachment may be
 ‘ discharged.’ To which some Lords cried, *well*
moved ; but the King’s coming to the house, pre-
 vented any further resolution.

On the same day, the house of Commons having
 read a report of the Committee of both houses, pro-
 ceeded towards the impeaching other persons therein
 mentioned, and in particular, Sir *John Trevor* : But
 they were interrupted by the black-rod, and com-
 manded to attend the King in the house of Peers,
 where his Majesty was come to put an end to the
 session.

Ill state of
 the coin.

We must observe, that amidst all these disputes,
 a great thing was done for the honour and interest
 of the nation, by redressing the bad state of the
 common coin of the kingdom. This difficulty lay
 so heavy upon the government, that a stop was
 almost put to trade and taxes. The current silver
 coin had for many years began to be clipped and
 adulterated ; and the mischief of late had been so
 secret-

secretly carried on, by a combination of all people concerned in the receipt of money, and so industriously promoted by the enemies of the government, that all pieces were so far diminished and debased, as that five pounds in silver *specie* was scarce worth forty shillings, according to the standard: Besides an infinite deal of iron, brass, or copper, washed over, or plated. The nation had suffered most grievously by this evil, and the cure of it could be no longer delayed, without apparent and inevitable ruin to the publick, and an obstruction to all private commerce. Under this necessity, the house of Commons on *January* 8th appointed a Committee to receive proposals, *how to prevent clipping of the coin of this kingdom for the future, and the exportation of silver.*

This Committee having sat several times, Mr. *Scobel* at last reported their opinion.

1. That the best way to prevent clipping the silver coin, was to new coin the same into milled money.

2. That 1000000 *l.* was a sufficient sum to make good the deficiency of the present clipped coin of this kingdom.

3. That the money hereafter to be coined should be of the present weight and fineness.

4. That the crown piece should go for 5 *s.* and 6 *d.* and the half crown for 2 *s.* and 9 *d.*

5. That all money to be coined, under the denomination of the half crown should have a remedy of six pence in the ounce.

6. That for as much of the present coin as any person brought into the mint, he should have weight for weight, and the overplus by a bill or ticket at ——— *per cent.* on a fund to be appropriated for that purpose.

7. That the present laws against clipping be enforced by some additions.

8. That all persons whose professions require such like tools or engines, as may be made use of for

coining or clipping, be obliged to register their names and places of abode, and that it should be penal on such as should neglect to do the same.

9. That it be penal to all such persons, as give more for any silver coin, than it ought to go for by law.

10. That it be penal to all such persons on whom clippings are found.

11. That no presses, such as are used for coining, be in any other place than his Majesty's mint.

12. That it be penal in all such persons as shall import any clipt or counterfeit money.

13. That it be penal in any person to export *English* bullion, and the proof to lie upon the exporter.

14. That it be penal in any person to counterfeit any foreign mark upon bullion.

This report lay some time neglected in the house of Commons; till the Lords had passed an act *to prevent counterfeiting and clipping the current coin of this kingdom*; and on *March* the 19th sent it down to the Commons for their concurrence. Then the former resolutions of the Committee were taken into consideration, and out of them several amendments were inserted in the Lords bill; to which amendments the Lords agreed, and so made that most expedient act ready for the royal assent.

Several bills were left unfinished in this session; such as, 1. *A bill touching free and impartial proceedings in Parliament*, which was begun in the house of Commons, and there rejected after the third reading. 2. *A bill for regulating trials in cases of high-treason*; which having passed the lower house, was amended by the Lords, and occasioned several further conferences and debates between both houses. 3. *A bill for registering memorials of deeds, conveyances, and wills*; which was obstructed by the lawyers in the house of Commons, as tending to abridge law-suits, and so to prejudice their profession. &c.

In the midst of the debates in both houses, upon the same subject of impeachments, as before observed, on *Friday, May 3*, the King came to the house of Peers, and gave the royal assent to several bills.

After which his Majesty made this speech to the two houses.

My Lords and Gentlemen,

I am come to give you thanks, for the supplies provided for carrying on the war in which we are engaged; and at the same time to conclude this session, which cannot be continued longer, without manifest prejudice to the ends for which these supplies are given: The season of the year making it so necessary for me to be abroad, that it were to be wished our business at home would have allowed me to have been there sooner.

The King's
speech.

I will take care to place the administration of affairs during my absence, in such persons on whose care and fidelity I can entirely depend: And I doubt not, *my Lords and Gentlemen*, but every one of you in your several stations, will be assisting to them. This is what I require of you, and that you be more than ordinarily vigilant in preserving the publick peace.

Then the Lord Keeper, by his Majesty's command, said,

My Lords and Gentlemen,

IT is his Majesty's royal will and pleasure, that this Parliament should be prorogued to *Tuesday*, the eighteenth day of *June* next, and this Parliament is accordingly prorogued to *Tuesday* the eighteenth day of *June* next.

On *July 13th* his Majesty ordered a proclamation to be published, for dissolving the present Parliament,

liament, and issuing out of writs for the calling a new Parliament, to begin at *Westminster* on *Friday November 22d.*

Meeting of
the new
Parliament.

The Parliament having met according to the writ of summons, and the King being seated on the throne, the Commons were sent for up, to whom my Lord Keeper signified his Majesty's pleasure, that they should forthwith proceed to the choice of a Speaker.

Mr. Foley
Speaker.

After which the Commons returned to their house and unanimously made choice of *Paul Foley, Esq;* who being presented the next day, his Majesty did graciously approve of him, and then made this speech to both houses.

King's
Speech:

My Lords and Gentlemen,
IT is with great satisfaction that I meet you here this day, being assured of a good disposition in my Parliament, when I have had such full proofs of the affection of my people, by their behaviour during my absence, and at my return.

I was engaged in this present war by the advice of my first Parliament; who thought it necessary for the defence of our religion, and the preservation of the liberties of *Europe.* The last Parliament with great chearfulness did assist me to carry it on; and I cannot doubt but that your concern for the common safety, will oblige you to be unanimously zealous in the prosecution of it: And I am glad that the advantages which we have had this year, give us a reasonable ground of hoping for a further success hereafter.

Upon this occasion, I cannot but take notice of the courage and bravery which the *English* troops have shewn this last summer; which I may say has answered their highest character in any age: And it will not be denied, that without the concurrence of the valour and power of *England,* it
were

were impossible to put a stop to the ambition and greatness of *France*.

Gentlemen of the house of Commons,

I think it a great misfortune that from the beginning of my reign, I have been forced to ask so many, and such large aids of my people; and yet I am confident you will agree with me in opinion, that there will be at least as great supplies requisite for carrying on the war by sea and land this year, as was granted in the last session; the rather, because our enemies are augmenting their troops, and the necessity of increasing our shipping does plainly appear.

The funds which have been given, have proved very deficient.

The condition of the civil list is such, that it will not be possible for me to subsist, unless that matter be taken into your care.

And compassion obliges me to mention the miserable circumstances of the *French* protestants, who suffer for their religion.

And therefore, *Gentlemen*, I most earnestly recommend to you, to provide a supply suitable to these several occasions.

I must likewise take notice of a great difficulty we lie under at this time, by reason of the ill state of the coin, the redress of which may perhaps prove a further charge to the nation; but this is a matter of such general concern, and of so very great importance, that I have thought fit to leave it entirely to the consideration of my Parliament.

I did recommend to the last Parliament, the forming some good bill for the encouragement and increase of seamen; I hope you will not let this session pass without doing somewhat in it; and that you will consider of such laws as may be proper for the advancement of trade, and will have a particular regard to that of the *East Indies*, lest it should

should be lost to the nation. And while the war makes it necessary to have an army abroad, I could wish some way might be thought of to raise the necessary recruits, without giving occasion of complaint.

My desire to meet my people in a new Parliament, has made the opening of this session very late ; which I hope you will have such regard to, as to make all possible dispatch of the great business before you ; and will call to mind, that by the long continuance of the last session, we did not only lose advantages which we might have had at the beginning of the campaign, but gave the enemy such an opportunity as might have proved very fatal to us. And I am the more concerned to press this, because of the great preparations which the *French* make to be early in the field this year.

My Lords,

I have had such experience of your good affections ; and I have such an entire satisfaction in the choice which my people have made of you, *Gentlemen of the house of Commons*, that I promise my self a happy conclusion of this session, unless you suffer your selves to be mis-led into heats and divisions ; which being the only hope our enemies have now left, I make no doubt but you will entirely disappoint by your prudence and love to your country.

Addresses of
both houses.

Both houses in their respective addresses, with great zeal and unanimity, congratulated the glorious success of his Majesty's arms abroad, and his safe return home ; and likewise returned his Majesty thanks for the trust and confidence he reposed in their affections ; assuring him, that they would support his Majesty and his government against all his enemies foreign and domestick, and effectually assist him in the prosecution of the present war, in which he

was engaged for the safety of *England*, and liberty of *Europe*. The Commons address being presented by the whole house, His Majesty gave them this answer.

Gentlemen,

I Heartily thank you for the marks you give me of your affection: Our interests are inseparable, and there is nothing I wish so much as the happiness of this country, where God has placed me.

The bill for regulating trials in cases of *Treason*, and *Misprision of Treason*, which had been several times lost in the former Parliaments, was again brought into the house of Commons, *Novem. 26* and in a short time read three times there, and sent up to the Lords for their concurrence, by which many hardships upon the liberty of the subject were removed, or mitigated: For it was hereby enacted, that all persons indicted for high-treason, or misprision of it, shall have a copy of the indictment five days before their trial, and shall be admitted to make their defence by councils learned in the law, not exceeding two. That no person shall be indicted or attainted, but by the oaths of two lawful witnesses. That no person shall be prosecuted, unless the indictment be found within three years after the offence committed. That all persons indicted shall have copies of the jury two days before their trial; and shall have like process to compel their witnesses to appear before them, as is usually granted to witnesses against them. To this bill the Lords added the clause they had always insisted upon; that upon the trial of any Peer or Peers for treason or misprision, all the Peers who have a right to sit and vote in Parliament, shall be duly summoned twenty days at least before such trial, and shall not vote without first taking the oaths appointed by the act 1^o. *Will. and Mary*, and subscribing and repeating the declaration

Bill for regulating trials in cases of *Treason*.

claration mentioned in the act made 30 Car. II. which Clause was agreed to by the Commons. It is remarkable, that whilst this bill was depending in the house of Commons, the Lord *Shaftsbury* rose up in order to speak for it; and having begun his speech, he seemed to be so surprized that for a while he could not go on; but having recovered himself, he took occasion from his very surprize, to enforce the necessity of allowing council to prisoners who were to appear before their judges, since he who was not only innocent and unaccused, but one of their own members, was so daunted when he was to speak before that august assembly. This turn of wit did great service in promoting that excellent bill.

The Lords were considering that part of the King's speech that related to the ill state of the coin, and had drawn up an address, to which in a conference they desired the concurrence of the Commons, who chose rather to proceed in their own way, by appointing a Committee, who should have power to consider of a fund to make good the deficiency of the clipt money. And here the great question was, *Whether it was necessary or expedient to recoin the silver money?* The country party held the negative; the court party the affirmative; and the arguments were weighed on both sides. The reasons against calling in, and recoinning the money were, that this was no fit juncture for it, while the nation was engaged in a burthensome and doubtful war, by which the kingdom had already greatly suffered, and of which it grew every day more sensible. That therefore the people, on whose good affection the government so much depended, should not be provoked by fresh grievances, greater than any they had yet felt, as those would certainly be that must arise from the calling in the silver coin. That if this was done, however things might be managed and accommodated at home, it were impossible

Arguments
against re-
coining the
silver.

to maintain the commerce or the war, abroad ; for neither the merchant could be paid his bills of exchange, nor the soldier receive his subsistence. That this was to lay the ax to the root, and to dig up the foundation of the government. That if this design was prosecuted, trade must stand still for want of mutual payments ; whence such disorder and confusion would certainly follow, as would discourage and dishearten the people in the highest measure, if not drive them to a perfect despair, as despair would to the most terrible extremities. That therefore the recoinage the money at this time was by no means to be attempted without hazarding all.

It was alledged by those of the contrary opinion, at the head of whom appeared Mr. *Charles Moun-
tague*, Chancellor of the exchequer, that the mischief would be fatal, if a present remedy was not found out and applied. That by reason of the ill state of the coin, the change abroad was infinitely to the nation's prejudice. That the supplies that were raised to maintain the army would never attain their end, being so much diminished and devoured by the unequal change, and exorbitant *premiums* before they reached the camp. That this was the unhappy cause that the guineas advanced to thirty shillings, and foreign gold in proportion: That therefore to the nation's great loss, not only the *Dutch*, but indeed all *Europe* sent that commodity to this market, and would continue to do so, till the nation should be impoverished and undone by plenty of gold. That we must exchange for their gold our goods, or our silver, till at last we should have only guineas to trade withal ; which no body could think our neighbours would be so kind to receive back, at the value they were at here. That therefore this disease would every day take deeper root, infect the very vitals of the nation, and if not remedied, would soon become incurable. That

Arguments,
for recoinage
the silver
money.

our

our enemies must be mightily intimidated by so great an action, and would sooner be induced to agree to honourable Terms of peace, in case they saw us able to surmount this difficulty, by the retrieving the ill state of the coin, on which their hopes of the nation's speedy ruin so much depended; and that it would justly create a mighty esteem abroad, of the greatness and wisdom of the Parliament of *England*, which was able to conquer such an obstinate and almost insuperable evil, in such a juncture of affairs.

These matters being fully debated, the Parliament resolved to call in and recoin the silver money, chusing rather to run the hazard of some great inconveniencies, than by a longer neglect to expose the kingdom to apparent ruin. The next step was to consider, *Whether the several denominations of the new money should have the same weight and fineness as the old; or, whether the established standard should be raised?* This question produced many debates: Those who were for raising the standard, did argue, that the price of an ounce of silver bullion was advanced to six shillings and three pence, and therefore the standard ought to be raised to an equality. That the raising the standard would prevent the exportation of our coin, and the melting of it down, which of late years has been much practised, to the great prejudice of this kingdom; and that it would encourage people to bring in their plate and Bullion into the mint. The court party, who were for preserving the old standard, urged, that as to the price of bullion, now raised to six shillings and three pence, it was impossible the price of silver could rise and fall in respect of itself, but the alteration of the value of bullion was merely in relation to diminished money; for it was still matter of fact, that with five shillings and two-pence of new milled money, they could buy an ounce of

Argument
for raising
the silver
money
Debate
about raising
or continu-
ing the old
standard.

of bullion; whilst those who bought it with clipt pieces, paid six shillings three pence.

As to the agreement of preventing the exportation of money by raising the standard, it was answered, There was no way possible to keep our money at home, but by out-trading our neighbours; that is, by sending them more commodities, or of greater value than those we received from them, &c.

After these debates, the Commons resolved on *December, 10.* That all clipt money be recoined according to the established standard of the mint, both as to the weight and fineness. That the loss of such clipt money shall be born by the publick. That a day be appointed, after which no crowns or half-crowns be allowed in any payment. That another day be appointed for all persons to bring in their clipt money to be recoined into milled money: And that a fund be settled for supplying the deficiencies. After this Mr. *Chancellor* of the *Exchequer* reported the form of an address, to desire his Majesty to regulate the currency of clipt money, according to the foregoing resolutions; which address being presented to the King, he caused his royal proclamation to be issued out for that purpose. And the Lords had already addressed his Majesty to the same effect.

Resolutions
about the
coin.

Sometime before, the Commons having considered, that the maintaining an army abroad occasioned the exportation of the coin, which could not be prevented, but by supplying the said army with necessities out of this kingdom; on *December, 13.* ordered an address to be presented to his Majesty, ' That he would please to procure, that all commodities and provisions, that should be transported from *England*, for the use of the forces in his Majesty's pay abroad, might be exempted from any duty or excise throughout the *Spanish* and

‘ united *Netherlands*.’ To which the King answered.

‘ **T**HAT what was desired by the Commons, had been done in a great measure for several years; and that he would see what could be further done in it.

Bill for regulating the coinage.

The Commons having considered the bill for regulating the coinage of the silver money, which the Chancellor of the exchequer had prepared, and presented to the house on *December* 17. Ordered on *December* 23^d a clause of loan to be inserted in it, in favour of such as would advance money on credit of the exchequer in general, transferrable to such funds as should be settled by Parliament, towards making good the deficiencies of the clipped money; and likewise ordered the same Committee to take care, that persons who should bring in clipped money (above what was for taxes) should have a recompence for the same. This bill was amended accordingly, and four days after passed, and sent up to the Lords for their concurrence.

On the 31st of *December*, the Commons resolved to raise the 1200000 *l.* for supplying the deficiency of the clipped money, by a duty laid upon all dwelling houses, except cottages; to wit, two shillings yearly upon each house; four shillings upon every house having ten windows; and eight shillings upon such houses as have twenty windows, over and above the said two shillings; which duty was to be paid by the inhabitants of the said houses, and to be continued for the space of seven years, and no longer.

The days appointed by the King’s proclamation for putting a stop to the currency of clipped money, were so short, that an immediate stop was thereby put to trade: So as the house of Commons were obliged in a grand Committee to consider the state

of the nation, and how to prevent the stop of commerce during the re-coining of the clipped monies. After some debates for several days, the Commons resolved on *January* 9th.

First, That the recompence for supplying the deficiency of clipped money, should extend to all clipped money which was silver, although of a coarser alloy than the standard.

Secondly, That the collectors and receivers of his Majesty's aids and revenues, be enjoined to receive all such monies.

Thirdly, That a reward of five pounds *per cent.* be given to all persons, who should bring in either milled or broad unclipped money, to be applied in exchange of the clipped money throughout the kingdom.

Fourthly, That a reward also of three pence *per* ounce, be given to all persons, who should bring in wrought plate to the mint to be re-coined.

Fifthly, That for the sooner bringing in the clipped money to be re-coined, any persons might pay in their whole next year's tax of four shillings in the pound, in the said clipped money, at one convenient time appointed for that purpose.

Lastly, That commissioners be appointed in every county, to pay and distribute the milled and broad unclipped money, and the new coined money, and to receive the clipped money. And at the same time appointed a Committee, to prepare and bring in a bill upon the said resolutions.

This bill was accordingly presented, and after a second reading on *January* 21st. committed to Committee of the whole house; who resolved, *That a further encouragement be given for bringing in plate to be coined, and broad money in order to be exchanged for clipped money:* And that a clause be inserted in the said bill, *to prevent the melting down and exportation of coin, or any bullion;* and another clause *to prohibit the use of plate in publick houses;* which at

last proved the best expedient to supply the mints with bullion.

The Lords having made several amendments to the *bill for regulating the coinage of the silver money of this kingdom*; and most of them after several debates and conferences, were disagreed to by the Commons: Whereupon Mr. Chancellor of the *Exchequer*, according to order, presented to the house another bill for remedying the ill state of the coin of this kingdom; which was received, and after some amendments, ordered to be engrossed, and sent up to the Lords, who gave their concurrence to it.

Grants to
the Earl of
Portland.

There was another affair depending in this session, which very sensibly concerned his Majesty. The Earl of *Portland* had begged of his Majesty the Lordships of *Denbigh*, *Bromfield*, and *Yale*, and other lands in the principality of *Wales*; which his Majesty readily granted to him and his heirs for ever: The warrant coming to the Lords of the treasury, the Gentlemen of the county upon short notice were heard on *May 10th* before their Lordships.

Sir *William Williams* then alledged, That these Lordships were the ancient demesnes of the Prince of *Wales*. That the *Welsh* were never subject to any but God and the King. That in the statute for granting fee-farm rents, there was an exception of the rents belonging to the principality of *Wales*; which imported, that the Parliaments took those revenues to be unalienable. That upon creation of a Prince of *Wales*, there were many acknowledgments payable out of those Lordships; and though there were at present no Prince of *Wales*, yet he hoped to see one of the King's own body, &c.

Sir *Roger Puleston* alledged, that the revenues of these Lordships did support the government of *Wales*, by paying the Judges and other Officers their stated salaries; and if given away there would be a failure of justice.

And

And Mr. *Price*, a Gentleman of great parts (since one of the Barons of the *Exchequer*) did boldly urge, That the grant was of a large extent, being five parts in six of a whole county, which was too great a power for any foreign subject to have; and that the people of the country were too great to be subject to any foreigner: Let it be considered, (*says he*) can it be for his Majesty's honour or interest, (when the people hear this and understand it) that he daily gives away the revenues of his Crown, and what is more, the perpetuity of them to his foreign subjects? Good Kings after a long and chargeable war, were wont to tell the people, that they were sorry for the hardships the nation underwent by long war and heavy taxes; and that now they would live upon their own: But it is to be feared, if grants are made so large and so frequent, there would be nothing for the King or his successors to call their own to live upon. *He concluded thus*: It is to be hoped your Lordships will consider, that we had but one day's notice of this attendance, and must come therefore very much unprovided: Yet we doubt not, these hints and broken thoughts we have offered to your Lordships, you will, by your great judgments, improve, whereby the ill consequences of this grant may truly be represented to his Majesty.

The Lord *Godolphin*, the first commissioner of the treasury, asked for satisfaction, *Whether the Earl of Leicester had not those Lordships in grant to him in Queen Elizabeth's time?* Sir Robert Cotton answered, he believed he could give the best account in that case; that the Earl of *Leicester* had but one of those Lordships, and that was *Denbigh*: That he was so oppressive to the Gentry of the country, that he occasioned them to take up arms, and to oppose him; for which, three or four of his (Sir Robert Cotton's) relations were hanged; but that it ended not there, for the quarrel was kept still on foot, and the Earl glad to be in peace, and to grant it back

to the Queen: Since which time it had ever been in the crown. Whereupon the Lord *Godolphin* said, They had offered many weighty reasons, which they should represent to his Majesty.

From the treasury the Gentlemen of *Wales* attended the grant to the privy-seal, where their reasons and complaints against it, were heard and received with all candour and goodness. Yet notwithstanding all this, the said grant being only superseded, but not recalled, Sir *Thomas Grosvenor*, Sir *Richard Middleton*, Sir *John Conway*, Sir *Robert Cotton*, Sir *William Williams*, Sir *Roger Puleston*, *Edward Vaughan*, *Edward Brereton*, and *Robert Price*, Esqs; addressed themselves by petition to the Commons.

Mr. *Price*'s
speech a-
gainst the
grants.

Upon this occasion the same Mr. *Price*, a member of that house, made a memorable speech; wherein he said, ' That this petition, though subscribed by
' a few hands, had the approbation of many thou-
' sands, who were not influenced by their own in-
' terest, but acted for the honour of the crown, and
' welfare of the *British* nation. That if he could con-
' ceive how the glory and grandeur of *England* was,
' or could be upheld by a poor landless crown, and a
' miserable necessitous people, he could be then easily
' persuaded to believe, that his Majesty was well ad-
' vised to grant away all the revenues of the crown;
' and that his government thereby would be well se-
' cured, and his people best protected, when they
' had little or nothing left; but he was sure they were
' not *English*, but foreign politicians, who might re-
' vere the King, and yet hate his people. That the
' Kings of *England* always reigned best when they
' had the affections of their subjects, of which they
' were secure, when the people were sensible the King
' was entirely in their interest, and loved the *English*
' soil as well as the people's money, &c. When
' he had represented to them the nature of that migh-
' ty grant to this noble Lord, the ill consequences
' that

‘ that must attend the publick, and more particularly
‘ the dominion of *Wales*, and especially the county
‘ of *Denbigh*, by the passing of it, he concluded thus:
‘ I must needs confess, that my thoughts are troubled
‘ with strange apprehensions of our deplorable state:
‘ We are in a confederacy in war, and some of those
‘ confederates our enemies in trade, though planted
‘ amongst us; some of the King’s council, some in
‘ the army, and the common traders have possessed
‘ themselves of the out-skirts of this great city: We
‘ find some or other of them naturalized, and others
‘ made Denizens; every Parliament we find endea-
‘ vours for a general naturalization, and that warmly
‘ solicited from court. We see our good coin all
‘ gone, and out confederates openly coining base mo-
‘ ney of *Dutch* alloy for us. We see most places of
‘ power and profit given to foreigners. We see our
‘ confederates in conjunction with the *Scotch*, to ruin
‘ our *English* trade. We see the revenues of the
‘ crown daily given away to one or other, who make
‘ sale of them, and transmit their estates elsewhere:
‘ We do not find any of them buy lands or estates
‘ amongst us, but what they can get from us, they
‘ secure in their own country. How can we hope
‘ for happy days in *England*, when this great Lord,
‘ and the other foreigners, (though naturalized) are in
‘ the *English*, and also in the *Dutch* councils? If these
‘ strangers, though now confederates, should be of
‘ different interests, as most plainy they are in point
‘ of trade, to which interest is it to be supposed those
‘ great foreign counsellors and favourites would ad-
‘ here? So that I foresee that when we are reduced
‘ to extream poverty, (as now we are very near it)
‘ we are to be supplanted by our neighbours, and be-
‘ come a colony to the *Dutch*.

‘ I shall make no severe remarks on this great man,
‘ for his greatness makes us little, and will make the
‘ crown both poor and precarious: And when God
‘ shall please to send us a Prince of *Wales*, he may

‘ have such a present of a crown made him, as a
 ‘ Pope did to King *John*, who was surnamed *Sans*
 ‘ *Terre*, and was by his father, King *Henry* the second,
 ‘ made Lord of *Ireland*: Which grant was confirmed
 ‘ by the Pope, who sent him a crown of Peacocks
 ‘ feathers, in derision of his power, and the poverty
 ‘ of his revenue. I would have us to consider, that
 ‘ we are *Englishmen*, and must like Patriots, stand by
 ‘ our country, and not suffer it to become tributary to
 ‘ strangers. We have rejoiced that we have beat out of
 ‘ this kingdom popery and slavery; and do now with
 ‘ as great joy entertain *Socinianism* and poverty; and
 ‘ yet we see our properties daily given away, and our
 ‘ liberties must soon follow.

‘ I desire redress rather than punishment, therefore
 ‘ I shall neither move for an impeachment against this
 ‘ noble Lord, nor for the banishment of him, but
 ‘ shall only beg that he may have no power over us,
 ‘ nor we any dependance upon him: And so con-
 ‘ clude with this motion, that an address be made to
 ‘ his Majesty, to stop the grant that is passing to the
 ‘ Earl of *Portland*, of the Lordships of *Denbigh*,
 ‘ *Bromfield*, and *Yale*, and other lands in the prin-
 ‘ cipality of *Wales*, and that the same be not granted
 ‘ but by consent of Parliament.’

This stout and eloquent speech made so great an
 impression, that Mr. *Price*’s motion was carried by
 an unanimous consent, that on *January* the 22d this
 address was presented to the King by the speaker,
 attended by the whole house,

May it please your most Excellent Majesty,

WE your Majesty’s most dutiful and loyal sub-
 jects, the Knights, Citizens and Burgeses
 in Parliament assembled, humbly lay before your
 Majesty, That whereas there is a grant passing to
William Earl of *Portland* and his heirs, of the ma-
 nors of *Denbigh*, *Bromfield*, and *Yale*, and divers
 other lands in the principality of *Wales*, together
 with

with several estates of inheritance, enjoyed by many of your Majesty's subjects, by vertue of ancient grants from the crown.

That the said Manors, with the large and extensive regalities, powers and jurisdictions to the same belonging, are of great concern to your Majesty and the crown of this realm: And that the same have been usually annexed to the principality of *Wales*, and settled on the Prince of *Wales* for their support: And that a great number of your Majesty's subjects in those parts hold their estates by royal tenure, under great and valuable compositions, rents, royal payments, and services to the crown and Princes of *Wales*, and have by such tenure great dependance on your Majesty and the crown of *England*, and have enjoyed great privileges and advantages with their estates under such tenure.

We therefore most humbly beseech your Majesty to put a stop to the passing this grant to the Earl of *Portland* of the said manors and lands; and that the same may not be disposed from the crown but by consent of Parliament. For that such grant is in diminution of the honour and interest of the crown, by placing in a subject such large and extensive royalties, powers and jurisdictions, which ought only to be in the crown, and will sever that dependance, which so great a number of your Majesty's subjects in those parts have on your Majesty and the crown, by reason of their tenure, and may be to their great oppression in those rights which they have purchased and hitherto enjoyed with their estates, and also an occasion of great vexation to many of your Majesty's subjects, who have long had the absolute inheritance of several lands (comprehended in the said grant to the Earl of *Portland*) by ancient grants from the crown.

His Majesty in answer was pleased thus to express himself.

Gentlemen,

I Have a kindness for my Lord Portland, which he has deserved of me by long and faithful services; but I should not have given him these lands, if I had imagined the house of Commons could have been concerned; I will therefore recal the grant, and find some other way of shewing my favour to him.

On February the 24th, The King came to the house of Peers, and made the following speech to both houses.

My Lords and Gentlemen,

King's
speech on
discovery of
the assassi-
nation plot.

I AM come hither this Day upon an extraordinary occasion, which might have proved fatal, if it had not been disappointed by the singular mercy and goodness of God; and may now, by the continuance of the same providence, and our own prudent endeavours, be so improved, as to become a sufficient warning to us, to provide for our security against the pernicious practices and attempts of our enemies.

I have received several concurring informations of a design to assassinate me; and that our enemies at the same time are very forward, in their preparations for a sudden invasion of this kingdom; and have therefore thought it necessary, to lose no time in acquainting my Parliament with those things, in which the safety of the kingdom, and the publick welfare are so nearly concerned, that I assure my self nothing will be omitted on your part, which may be thought proper for our present or future security.

I have

I have not been wanting to give the necessary orders for the fleet, and I hope we have such a strength of ships, and in such readinefs, as will be fufficient to difappoint the intentions of our enemies.

I have alfo difpatched orders, for bringing home fuch a number of our troops, as may fecure us from any attempt.

Some of the confpirators againft my perfon are already in cuftody, and care is taken to apprehend fo many of the reft as are difcovered; and fuch other orders are given, as the prefent exigency of affairs does abfolutely require at this time for the publick fafety.

My Lords and Gentlemen,

Having now acquainted you with the danger which hath threatned us, I cannot doubt of your readinefs and zeal, to every thing which you fhall judge proper for our common fafety: And I perfuade my felf, we muft be all fenfible how neceffary it is in our prefent circumftances, that all poffible difpatch fhould be given to the bufinefs before you.

Upon this excellent fpeech the two houfes immediately agreed to wait upon the King that very evening at *Kensington* with this humble addrefs.

Die Lune 24th Feb. 1695.

WE your Majesty's moft loyal and dutiful fub-
jects, the Lords fpiritual and temporal, and Commons, having taken into our ferious confideration what your Majesty hath been pleafed to communicate to us this day, think it our duty in the firft place, to give your Majesty moft humble thanks for having acquainted your Parliament with the great danger your facred perfon hath been fo nearly expofed to, and the defign of an invafion from our enemies abroad:

Address of
both houfes.

abroad: We heartily congratulate your Majesty's happy preservation, and thankfully acknowledge the signal providence of God in it; and at the same time declare our detestation and abhorrence of so villainous and barbarous a design: And since the safety and welfare of your Majesty's dominions do so entirely depend upon your life, we most humbly beseech your Majesty to take more than ordinary care of your royal person. And we take this occasion to assure your Majesty of our utmost assistance to defend your person, and support your government, against the late King James, and all other your enemies both at home and abroad; hereby declaring to all the world, that in case your Majesty shall come to any violent death, (which God forbid) we will revenge the same upon all your enemies, and their adherents: And as an instance of our zeal for your Majesty's service, we will give all possible dispatch to the publick business: And we make it our desire to your Majesty, to seize and secure all persons, horses and arms, that your Majesty may think fit to apprehend upon this occasion.

His Majesty gave the two houses this agreeable answer.

My Lords and Gentlemen,

I Thank you heartily for this kind address; on my part you may be assured, that I will do all that is within my power, for the conservation of this kingdom, to which I have so many obligations. I will readily adventure my life for the preservation of it, and recommend myself to the continuance of your loyalty and good affections.

The house of Commons dropt the sense of all former animosities, and generously fell into the immediate measures of respect and loyalty to the King;

King; giving a new proof of this observation, That plots when discovered strengthen the government they were designed to ruin. On the same day with the speech and address, they *ordered*, That leave be given to bring in a bill to empower his Majesty to secure and detain such persons, as his Majesty shall suspect are conspiring against his person or government. They gave several instructions for the more effectual raising the militia. They *resolved*, That leave be given to bring in a bill, that whenever it shall please God to afflict these realms by the death of his present Majesty, the Parliament then in being, shall not be dissolved thereby but shall continue until the next heir to the crown in succession, according to the late act of settlement, shall dissolve the same. And that an humble address be presented to his Majesty, that he will please to issue his royal proclamation, to banish all papists from the cities of *London* and *Westminster*, and ten miles from the same: And give instructions to the Judges going the circuits, to put the laws in execution against papists and nonjurors. And as the greatest test of loyalty, they drew up this form of association, to be subscribed by all the members.

‘Whereas there has been a horrid and detestable
 ‘conspiracy formed and carried on by papists, and
 ‘other wicked and traiterous persons, for assassinat-
 ‘ing his Majesty’s royal person, in order to encour-
 ‘age an invasion from *France*, to subvert our reli-
 ‘gion, laws and liberty; we whose names are here
 ‘unto subscribed, do heartily, sincerely and solemnly
 ‘profess, testify and declare, that his present Maje-
 ‘sty King *William* is rightful and lawful King of
 ‘these realms. And we do mutually promise, to
 ‘engage to stand by and assist each other to the ut-
 ‘most of our power, in the support and defence of
 ‘his Majesty’s most sacred person and government,
 ‘against the late King *James* and all his adherents.
 ‘And in case his Majesty come to any violent or un-
 ‘timely

Form of
 association.

‘ timely death (which God forbid) we do hereby further, freely and unanimously, oblige our selves, to unite, associate, and stand by each other, in revenging the same upon his enemies, and their adherents; and in supporting and defending the succession of the crown, according to an act made in the first year of the reign of King *William* and Queen *Mary*, entitled, *An act declaring the rights and liberties of the subject, and settling the succession of the crown.*’

Signed by
all the
Members.

This association was on the three following days signed by all the members that came to the house; and because some others had absented themselves upon pretence of health or business, but in reality to avoid setting their hands to an acknowledgment of King *William* being rightful and lawful King: It was therefore ordered on *Feb. 27.* ‘ That such members of the house who had not already signed the association, should do it by *Monday* fortnight, or declare their refusal, notwithstanding their leave to be absent.’

On the appointed day, *March 16* the names of such members were called over as were absent upon the last call of the house; and several of them being still absent, in the country, or ill in town, signifying their intentions to sign the association, were excused their attendance: And the Speaker was ordered to write to such members as are in the country, and have not signed the association, or declared their refusal so to do, to know what they will do, and to return their answer by the first opportunity. And at the same time the clerk of the house was to attend such members as were ill in town, with the said association, in order to their signing the same, or receiving their answer of refusal. The absent members seeing themselves so pressed, and the nation at this time in so great a ferment against the disaffected, thought it prudence to yield to the times, and either to subscribe the association, or to promise to do it on their first coming up to town; though

though it was against the inclination of some, and perhaps against the principles of others.

The house of Commons, on *Friday April* the third, presented to his Majesty in a body, the *Association*, with their subscriptions to it, and at the same time requested his Majesty, that he would be pleased to order, that the said *Association*, and all other *Associations* by the Commons of *England*, might be lodged among the records of the tower. Upon which occasion his Majesty was pleased to say,

Gentlemen,

I Take this as a most convincing and most acceptable evidence of your affection: And as you have freely associated your selves for our common safety, I do heartily enter into the same Association, and will be always ready with you and the rest of my good subjects, to venture my life against all who shall endeavour to subvert the religion, laws, and liberties of *England*. And I will take care, that this and all other associations presented to me be lodged among the records of the tower.

The King's
speech on
the Association.

Upon report of this gracious acceptance, the next day the house resolved, 'That whoever shall by word or writing affirm, that the association entered into by any member of this house, or any other person, is illegal, such person shall be deemed a promoter of the designs of the late King *James*, and an enemy to the laws and liberties of this kingdom.'

Soon after, the house of Lords agreed in the same *Association*, and presented it to the King; and the example of both houses of Parliament was followed by all the Corporations of the three kingdoms.

On *April* 2d. Upon a report of the examination and confession of Sir *William Perkins*, and Sir *John Friend*,

1696.
A bill for security of his Majesty's person.

Friend, it was resolved, that a bill be brought in for the better security of his Majesty's person and government; and that the heads of the bill should be.

1. That such as shall refuse to take the oaths to his Majesty, shall be subject to the forfeitures and penalties of popish recusants convict.

2. To inflict a penalty on such as shall by writing, or otherwise, declare, that King *William* is not lawful and rightful King of these realms; Or that the late King *James*, or the pretended Prince of *Wales*, or any other person, than according to the act of settlement of the crown, hath any right to the crown of these realms.

3. To ratify and confirm the association entered into by all his Majesty's good subjects, for the preservation of his Majesty's person and government.

4. That no person shall be capable of any office of profit or trust, civil or military, that shall not sign the said *Association*.

5. That the same penalties be inflicted on such as come out of *France*, as upon those that go thither.

Bill for regulating Elections not passed.

There was a bill that had passed both houses, for regulating elections of members to serve in Parliament; To which his Majesty did not give his royal assent. This omission was ill resented by some of the Commons, who valued themselves on the projecting of it; and they hoped on this occasion, to make an open rupture, which must have been fatal at this juncture: Therefore on *Tuesday, April, 24*, a motion was made, and the question was put, That whosoever advised his Majesty, not to give the royal assent to the bill for further regulating elections of members to serve in parliament, (which passed both houses) is an enemy to the King and kingdom? But the majority were so wise as to decline the occasion of any difference; and therefore for the affirmative of the question, there were but 70 voices; while for the negative, there was no less than 219. And it was ordered that the speaker do

do with the votes print this question, together with the numbers of the affirmative and negative.

And on the 27th of April, the Parliament was prorogued.

On Tuesday, October 20, The Parliament met at Westminster, and the King being seated on the throne, with the usual solemnity, made this speech to both houses.

My Lords, and Gentlemen,

I Have called you together as soon as was possible; and I think it a great happiness, that this year has passed without any disadvantage abroad, or disorder at home, considering our great disappointment in the funds given at your last meeting, and the difficulties which have arisen upon the recoinage of the money. King's
speech.

This is so convincing a proof of the good disposition of my army, and of the steady affections of my people, that I cannot but take notice of it with great satisfaction.

Our enemies have not been without hopes that such a conjuncture might have proved fatal to us: But as they have failed in those expectations, so I am fully persuaded that your unanimous proceedings, in this session, will make them for ever despair of an advantage from any disagreement among ourselves.

It must be confessed, that the business which you have before you will be very great, because of the necessity of supplying former deficiencies, as well as making provision for the next year's service.

And upon this occasion it is fit for me to acquaint you, that some overtures have been made in order to the entering upon a negotiation for a general peace: But I am sure we shall agree in opinion, that the only way of treating with France, is with our swords in our hands; and that we can have no

reason to expect a safe and honourable peace, but by shewing ourselves prepared to make a vigorous and effectual war: In order to which, I do very earnestly recommend to you, *Gentlemen of the house of Commons*, that you would consider of raising the necessary supplies, as well for maintaining the honour of Parliaments in making good the funds already granted, as for carrying on the war the next year; which I think ought not to be less than what was intended to be raised for that purpose the last session.

I must also put you in mind of the civil-list, which cannot be supported without your help; and the miserable condition of the *French* protestants does oblige me to mention them to you again.

My Lords and Gentlemen,

IT may deserve your consideration, whether there do not still remain some inconveniencies relating to the coin, which ought to be remedied: And I hope you will find out the best expedients for the recovery of credit, which is absolutely necessary, not only with respect to the war, but for carrying on of trade.

I am of opinion, that there is not one good *Englishman* who is not entirely convinced, how much does depend upon this session; and therefore I cannot but hope for your unanimity and dispatch in your resolutions, which at this time are more necessary than ever, for the safety and honour of *England*.

Proceedings
of the Com-
mons:

The Commons having appointed their grand Committees, for religion, for grievances, for trade, for courts of justice, and for privileges and elections, resolved, *nemine contradicente*, that they would support his Majesty and his government against all his enemies both at home and abroad, and that they would effectually assist him in the prosecution and carrying on the present war against *France*: And

And that an humble address should be prepared to be presented to his Majesty pursuant to the said resolution. Which address was drawn up by Mr. *Montague*, Chancellor of the *Exchequer*, and presented to his Majesty on *October 23d.* by the whole house in these words:

May it please your most excellent Majesty,

THIS is the eighth year in which your Ma- Address.
jesty's most dutiful and loyal subjects, the Commons in Parliament assembled, have assisted your Majesty with large supplies for carrying on a just and necessary war, in defence of our religion, preservation of our laws, and vindication of the rights and liberties of the people of *England*; which we have hitherto preserved; and, by the blessing of God, upon your Majesty's conduct and good government, will steadfastly maintain and entail on our posterity.

This has cost the nation much blood and treasure, but the hopes of accomplishing so great and glorious a work, have made your subjects chearfully support the charge. And to show to your Majesty, and to all *Christendom*, that the Commons of *England* will not be amused, or diverted from their firm resolutions of obtaining by war a safe and honourable peace, we do, in the name of all those we represent, renew our assurances to your Majesty, that this house will support your Majesty, and your government, against all your enemies both at home and abroad; and that they will effectually assist you in the prosecution and carrying on the present war against *France*.

His Majesty in answer was pleased to express himself thus kindly.

Gentlemen,

THE continuance of your zeal and affection is the thing of the world I value most, and I will answer it by all the ways I can think of; and I will make your good, and the safety of the nation, the principal care of my life.

The Commons proceed to business.

These assurances of affection on the one side, of loyalty on the other, and of mutual confidence on both, being happily given, the Commons entered with great alacrity upon the three great affairs that had been recommended to them from the throne, to wit, *The further remedying the ill state of the coin: The providing a supply for the next year's service: And the restoring of publick credit.* All which had a near dependance the one upon the other, and made the difficulties more intricate and hard to compose.

State of the coin.

In order to remove the first and the last, the Commons resolved on their very first day of meeting, *That they would not alter the standard of the gold and silver, in fineness, weight or denomination; and that they will make good all parliamentary funds since his Majesty's accession to the crown, they have been made credits for loan from the subject.* And because the circulation of guineas was obstructed by reason of the want of other coin, and by reason of the act made the last session, to take off the obligation of coining gold, a bill was ordered to be brought in *October 22d.* For the giving leave to import guineas, and to coin gold at the mint: And that they might proceed in their debates with the less reflection from abroad, they censured a printed pamphlet, entituled, *An Account of the proceedings in the house of Commons, in relation to the*

the recoinng the clipt money, and falling the price of guineas ; as false, scandalous and seditious, and destructive of the freedom and liberties of Parliament : And ordered the said pamphlet to be burned by the common hangman, and addressed his Majesty to issue his proclamation, promising a reward of 500 l. for the discovery of the author of that libel. And two days after, the house being informed of a printed paper, entituled, A summary account of the proceedings upon the happy discovery of the Jacobite conspiracy, they resolved, that the printing the names of the members of their house, and reflecting on them for their proceedings in Parliament, was a breach of the privileges of that house, and destructive of the freedom and liberties of Parliament. On October the 28th, two other bills were likewise ordered to be drawn up ; one, for the further remedying the ill state of the coin ; and the other, for encouraging the bringing in plate into the mint to be coined : Which at last with great application were put into one bill ; and on December the 3d, the King came into the house of Peers, and gave the royal assent to, 1st, an act for importing and coining guineas and half guineas. 2d, an act to explain that part of the act passed the last session of Parliament, for laying several duties on low wines, and spirits of the first extraction ; and for preventing the frauds and abuses of brewers, distillers and other persons chargeable with the duties of excise, which relates to the payment of tallies, and the interest thereof. 3d, an act for the further remedying the ill state of the coin in the kingdom.

As for the supply, the Commons having considered the state of the war for the year 1697, both in relation to the navy and land forces, which at their desire, his Majesty ordered to be laid before them, they granted the sum of two millions three hundred seventy two thousand one hundred ninety seven pounds, for the maintenance of forty thousand seamen, and of the two marine regiments and for the

ordinary of the navy, and the charge of the registry of seamen; and the sum of two millions five hundred seven thousand eight hundred and eighty two pounds, both for the maintaining eighty seven thousand four hundred and forty men, which according to the list of the land-forces delivered into the house, they voted necessary to be employed in *England*, and beyond the seas; and for the extraordinary service of the office of Ordnance, the pay of the general Officers, and the charge of the transports, hospitals, and other contingencies of the war. Besides which they afterwards, on *December* the 23d, voted a supply of one hundred twenty five thousand pounds, for making good the deficiency in recoinning hammer'd money, and the recompence to be given for bringing plate into the mints to be coined.

Ways and
means.

The ways and means of raising this supply were, first, a general capitation or poll-tax: *Secondly*, a tax of three shillings in the pound upon land: And *thirdly*, a duty upon all paper, paste-board, vellum and parchment, imported or made in this kingdom.

But still the greatest difficulty of all, was the loss of publick credit: For the tallies struck, or funds settled by Parliament, especially such as were remote, were exchanged for ready money, at a mighty loss: And the government was obliged to make excessive discounts and allowances to bring treasure into the *Exchequer*. This great loss of credit, which was like to prove fatal to our affairs abroad the last summer, arose chiefly from two things, *First*, the deficiencies of Parliamentary funds, particularly the unhappy project of the land-bank, which proved wholly abortive, and did not produce one penny of above two millions and a half with which it was charged: *Secondly*, the recoinning of our silver. The first created trust, and the latter destroyed it, by making money to be very scarce. 'Tis easy to imagine what perishing circumstances the nation was in, when

when the notes of the bank of *England*, which had been a mighty help to the publick, were discounted at twenty, and tallies at forty, fifty, or sixty *per Cent*. The government had contracted a great debt; some funds were wholly taken away, and the rest proved deficient; great numbers of tallies were on funds very remote, and many had no funds at all. Hereby the trust and good opinion of the people were so far lost, that those few who had any money to lend, shewed the greatest backwardness imaginable to bring it in to the *Exchequer*, when they could stock-job it to so great advantage upon the *Royal-Exchange*; and therefore all loans to the government were procured on exorbitant *præmiums*.

All men were amazed and confounded at this obstruction to trade and credit, and hardly believed that the wit of man was able to find out an expedient, that could be effectual to retrieve so great a mischief. The nation is the more obliged to the wisdom, sagacity, and eloquence of Mr. *Montague*, Chancellor of the *Exchequer*, who animated the whole design, and projected the most happy methods to bring it to a happy effect. On *November* the 25th, the Commons resolved, *That a supply be granted to his Majesty to make good the deficiencies of Parliamentary funds*; and afterwards ordered an estimate to be laid before them, of what sums were, or would be wanting to satisfy and discharge all principal and interest due, or to become due on the several aids, duties, or funds, over and above all arrears, standing out upon them which were determined; and besides all monies to be raised by such as were then unexpired. And the computation of all the particular sums that were wanting to make good all the deficient funds, being made, the whole amounted to five millions, one hundred and sixty thousand, four hundred pounds. Having now got to the bottom of the disease, they resolved on a thorough cure. For being sensible, that had some deficiencies been taken

care of, and others neglected, publick credit must have continued lame, and the government have halted, if it had not fallen to the ground ; they judged it of absolute necessity to make provision for the whole ; that so there should remain no tally without a fund, nor any tally on a deficient fund, but what in its course of payment should be satisfied and discharged. I order to this, they continued divers duties arising not only by the customs, but by continued and additional impositions ; paper and parchment, births, marriages, and burials, windows, the subsidy of tonnage and poundage, after the day on which they would otherwise have expired, to the 1st day of *August*, 1706. And appointed all the monies which should arise, and be brought into his Majesty's *Exchequer* from any of these taxes or duties, from the day on which they were otherwise to expire, to the said 1st day of *August*, 1706, to be the *general fund* for making good all the deficient ones, by the satisfaction and payment of the principal and interest due, or become due thereupon. And that all occasion of complaint might be removed, and equal provision made for all, the Parliament directed that all monies arising from the duties, so as before continued and appropriated for the general fund, should be distributed and applied to pay principal and interest upon every one of the deficient funds, in proportion to the sum of which they were deficient ; and that all the money which should be in such a due proportion distributed, or placed to the account of each deficient tax or fund, for the discharge of principal and interest, should be paid out to all who were intitled to receive the same, in such course and order, as if the same were monies really arising by the respective deficient funds, and that without being diverted, misapplied, or postponed ; and made the officers of his Majesty's treasury liable to great penalties, in case this method were not observed. Moreover, to remove all doubts about the security

security intended to be given, in case on the first of *August*, 1706, or within three months, then next ensuing, the whole produce of the several funds and revenues appropriated for a general fund, together with other grants then in being, should not be sufficient to discharge the sum of five millions, one hundred and sixty thousand four hundred pounds, intended to be discharged, that then what was deficient, should be made good out of such aids or revenues, as should be granted in the next sessions of Parliament. Thus the Commons, by an admirable stroke of wisdom, as well as a noble act of publick justice, provided a sufficient security for this great debt that lay heavy on the nation; which was all that could be demanded or expected, at a time when money was not in being, and therefore not to be had. And because all the branches of publick credit did plainly depend on, and mutually support one another, the Parliament took into consideration, by what means they might buoy up the credit of the bank of *England*, which was then ready to sink.

In order to this, the Parliament on *February* 3d, Ways and means. agreed to augment the common capital stock of the bank of *England*, by admitting new subscriptions; which new subscriptions should be made good in tallies and bank notes. The proportion was four fifths of the first, and one fifth of the last, and an interest of eight *per cent.* was allowed, as well for such tallies that should be brought in to enlarge their stock by new subscription, as for those tallies which the company was then possessed of; provided they did not exceed the value of those bank-notes, which should be paid in upon this engraftment on their stock; and for securing the payment of this interest of eight *per cent.* The additional duty on salt was afterwards granted and appropriated. The time of the cotinuanance of the bank of *England*, they thought fit to extend to the year 1710, and resolved likewise, That before the day was fixed for the beginning new subscriptions,

subscriptions, the old stock be made one hundred *per cent.* and that what should exceed that value, should be divided among the old members. That all the interest due on those tallies which would be subscribed into the bank-stock, at the time appointed for subscriptions, (to the end of the last preceding quarter, on each tally) be allowed as principal. That liberty be given by Parliament to enlarge the number of bank-bills, to the value of the sum which should be so subscribed, over and above the 1200000 *l.* provided they be obliged to answer such bills at demand; and in default thereof, to be answered by the *Exchequer* out of the first money due to them. That no other bank be erected, permitted, or allowed by act of Parliament, within this kingdom, during the continuance of the bank of *England*. That on such new settlement, the bank of *England* be exempted from all manner of parliamentary taxes. That no act of the corporation should forfeit the particular interest of any person concerned therein. That provision be made for the effectual preventing the Officers of the *Exchequer*, and all other Officers and receivers of the revenue, from diverting, delaying, or obstructing the course of payments to the bank. That care be taken to prevent the abetting, counterfeiting, or forging any bank-bills or notes; as likewise against the defacing, raising, or altering any indorsement upon any such bill or note. That the estate and interest of each member in the stock of the corporation, be made a personal estate. And lastly, that no contract or agreement made for any bank-stock to be bought or sold, be valid in law or equity, unless the said contract be actually registred in the books of the bank within seven days, and actually transferred within fourteen days next after the making such contract. Upon which encouragements, a million was subscribed and paid in tallies and bank-notes, as the
Parliament

Parliament had directed. This expedient was the result of Mr. *Charles Montague*'s skill and prudence, and tho' many persons who were interested in it, could not presently apprehend the reasonableness of it, yet the advantages they afterwards received, did fully convince them, that no other way could have been found to call back their sinking credit: For the value of two hundred thousand pounds in bank-notes being sunk by the new subscription, the rest, as it was reasonable to believe they would, began presently to rise in worth; and so likewise did the tallies, after so many as amounted to eight hundred thousand pounds were paid in to enlarge the bank. Upon this the credit of the bank recovered apace, till in a short time their notes, which bore no interest, were equal with money, and their bills that bore interest better than money: And by this means the face of affairs was quickly much changed for the better; credit began to revive, and money to circulate on moderate terms; foreign affairs were less to our disadvantage, and soon after came to an equality: And whatever hardships the people had undergone, by reason of a long and expensive war, and the recoinage the silver money, which could not but occasion many complaints, yet the greatest part attributed this to the necessity of affairs, and began to hope, both from the prospect of a peace, and the wisdom of those at the helm, that they should enjoy more favourable times.

Another evil of no less difficulty or importance than the loss of credit, (and which as was hinted before, was one of the springs of the latter) remained still to be removed; and that was the great *scarcity of money*. The Parliament to prevent disappointments, by settling funds which might be deficient, came to a resolution on *November 20th. That the supplies for the service of the year 1697, should be raised within the year.* But how could above five millions be

Want of
money in
specie.

be raised within the year, while the silver money was called in, and recoinage, and there was not current coin enough in the nation, to answer the occasions of trade, and scarcely the conveniencies and necessities of life? This vote of Parliament seemed impracticable; the enemies of the government made themselves merry with it, and instead of raising their spleen, 'twas the entertainment of their pleasant humour: And many, even of the best friends of the government, imagined that the Parliament by this, rather expressed their zeal and willingness, than their ability to support the state, and maintain the present settlement. But this Parliament, for whose wisdom it was reserved to surmount difficulties, that were looked on as invincible, made money without bullion, and distributed great quantities of coin without the help of the mint. This they did by authorizing the Lords of the Treasury, to issue out bills from the *Exchequer*, to the value, first and last, of above two millions; which bills were first appointed to be brought in, and sunk upon the capitation tax. But before the session ended, the Parliament being convinced by the first collection of that duty, that it would prove very deficient; they appointed the *Exchequer* bills to be brought in, on any other of the King's duties or revenues, excepting the land-tax; and allowed an interest of seven pounds twelve shillings *per annum*, upon the second issuing the said bills out of the *Exchequer*, whereas at first they bore no interest. By this the Parliament laid a good foundation for *paper money* to supply the place of our silver coin; for so many payments were at this time to be made into the *Exchequer*, that when the people had assurance given them, that the *Exchequer* notes should be received back again in payment of the King's taxes, they were very well satisfied to take them, at first indeed at small discount, but not long after at an equality,

equality. A great number of these notes were only for five or ten pounds, which answered the necessity of commerce among the meaner people, for the common conveniencies of life. And that those who had advanced money on loans on any part of the King's revenues, might not be obliged to receive it back in notes that were under the value of money, to strengthen the reputation of these bills, the Parliament authorised the Lords of the Treasury, to contract with any corporation, or numbers of private men, and to allow them a competent *præmium*, provided they obliged themselves to exchange those notes for ready money, when tendred to them for that purpose; which the Lords of the Treasury did accordingly. The credit of the *Exchequer* notes being thus secured, they daily arose nearer to *par*, till at last they exceeded the value of money: And whereas the trustees, with whom the government had contracted to exchange them, were at first allowed ten *per cent.* as a *præmium*, they were since contented to do it for four. These bills passed as so many counters, which the people were satisfied to receive, because they knew the *Exchequer* would receive them again as so much ready money: And these state counters so well supplied the want of money, till new coin was issued from the mint, that trade and commerce were maintained, and mutual payments well enough made, to answer the necessities of the government and the people. This project (which proved an effectual, tho' a paper prop to support the state, when its silver pillars, if I may so speak, were for a time removed) was likewise owing to the prudence and industry of Mr. *Charles Mountague*, as well as that of re-coining the money; which those very men who envied most his success in the house of Commons, and growing power at court, were afterwards contented to call a *fortunate temerity*.

Novem-

1696.

Sir John
Fenwick
attainted of
of High-
Treason.

November 6th. The house of Commons resolved, *That a bill be brought in, to attaint Sir John Fenwick of High-Treason.*

This bill was to be read a second time on *Friday November the 13th.* when Sir *John Fenwick* and his council were called to the bar; where they insisted, that no evidence should be produced against Sir *John*, but what related to the proof of the allegations in the bill: And that Sir *John Fenwick* might be allowed further time to produce witnesses in his defence. To both which motions the house complied, to shew a tender regard to the prisoner. But when Sir *John* and his council were again at the bar, on *Monday November the 16th.* and were demanded, *whether they had any witnesses to produce;* the council declared, *that they had no witnesses, but only in relation to a record.* The next day Sir *John Fenwick* being brought in without council, Mr. Speaker by direction of the house, required him to give an account of what he knew, in relation to the persons of quality that have been in this government, against whom he had given information. Whereunto Sir *John* replied, *That he was under a double prosecution for his life, and did not know, but what he might say might be to his own prejudice: And since the house had done him the favour to hear him by his council, he hoped they would please to consider of what they had said.* And being pressed again by Mr. Speaker, to give the house satisfaction in what they required: *He insisted on what he had said before; and that he did not do it out of any obstinacy, but for his own preservation.* After which, the bill was read a second time, and committed by 182 votes, against 123.

On *Wednesday November the 25th* the bill was read the third time, and the debates upon it ran very high. The arguments for it and against it, were best summed

summed up in those two speeches, of Mr. *Metbwen*, and Sir *Godfrey Copley*.

Mr. *Metbwen*. Mr. *Speaker*, I have not troubled you in any of those long debates you have had on this occasion, and do it unwillingly now; but I do think it every man's duty, in a case of this great importance, freely to own his opinion, and give his reasons for it. Speeches for and against the bill.

The greatest part of the debate hath run upon two things: On the one side, the inconveniency of bills of attainder, or at least the having them too frequent: On the other side, that it is necessary to have them sometimes, that no persons might think they were out of reach, if they could evade the laws that were made to punish ordinary offenders.

I think both these points too general, and that this bill (as every other) ought to have it's fate upon the particular circumstances of the case before you; and whoever gives his affirmative to this bill, ought to be convinced that Sir *John Fenwick* is guilty of High-Treason; and also that there are extraordinary reasons why the nation does prosecute him in so extraordinary a manner: And I do think neither of these is sufficient alone.

If between the indictment and arraignment or trial, *Goodman* should have died, and there had been no other reason for attainting Sir *John Fenwick*, but only the want of his evidence; I should not have thought it a sufficient reason, though we should have an opportunity of being informed of his particular evidence, and believed him guilty: And if Sir *John Fenwick* does not appear guilty, I do not think any reason of state can justify this bill, though he hath prevaricated and behaved himself to the dissatisfaction of every body; therefore, I think, there must be both these.

You

You have heard the evidence, and I shall not repeat it, but rather come to those things that distinguish Sir *John Fenwick's* case; only this, you have received the evidence against Sir *John Fenwick*, and given him liberty to make his defence, and have fully heard him; which, I think, hath altered the reason of a great many precedents, cited from my Lord *Coke* and other authors.

That which distinguishes this case, is, the great danger the nation was in from this conspiracy, and the sense the nation hath had of it; and I find, by the general opinion of all persons, this danger is not thought yet at an end.

There seems likewise to be an opinion as general, That Sir *John Fenwick* could have contributed to your safety by a discovery.

The next circumstance is, that Sir *John Fenwick* knowing this and the expectations the nation had from him, that he could have contributed to your safety, hath made use of that to put off his trial; and at last, has made such a paper, as does shew an inclination to do you all the prejudice he can; pretended to the creating new dangers; and by this means Sir *John Fenwick*, against whom there was two witnesses when he was indicted, hath delayed his trial, so that now there is but one; and there is a violent presumption that this person is withdrawn by the practice of Sir *John Fenwick's* friends.

There remains yet with me as great a consideration as any of these, the publick resentment of the nation for such his behaviour, is the only means his practice has left you to prevent the danger that yet remains; and it seems necessary for your safety, to come the next best way, to what he could have done for you by his discovery. Against the evidence that hath been given, there have been great doubts raised, not so much whether it be such evidence as ought to incline us to believe him guilty: But whether it be such as you should hear in the capacity you are

are in ; and after it is found such as it is, that is to say, not such as would convict him upon another trial, whether you ought to credit it, and that it should influence you to give your vote for this bill of attainder ? This is a doubt that I find weighs generally with them that differ from me in opinion about this bill ; and therefore I desire leave to speak to that particular.

‘ ’Tis said, that you are trying Sir *John Fenwick*,
‘ that you are Judges, and that you are both Judges,
‘ and Jury, and that you are obliged to proceed
‘ according to the same rules, though not the methods
‘ of *Westminster-hall*, *secundum allegata & probata.*’

But the state of the matter, as it appears to me, is, that you are here in your legislative power, making a new law for the attainting of Sir *John Fenwick*, and for exempting his particular case from being tried in those courts of Judicature, and by those rules which you have appointed for the trial of other causes, and trying of it your selves (if you will use that word, though improperly) in which case the methods differ from what the laws made by your selves require in other cases ; for this is never to be a law for any other.

Methinks this being the state of the case, it quite puts us out of the method of trials, and all the laws that are for limiting rules for evidence at trials in *Westminster-hall*, and other Judicatures ; for it must be agreed, the same rules of evidence must be observed in another place, as well as *Westminster-hall*, I mean in impeachments, and it has always been so taken.

The notion of two witnesses being necessary, has so much gained upon some gentlemen, that we have had it said, that this is required by the law of nature, the universal law of nations ; nay, by the eternal law of God, and I think, if it was so, there would be no doubt but it would oblige us.

And therefore to go to the bottom of the matter : That any man deserves to be punished, is because he is criminal: That this or that man deserves it, is because he is guilty of a crime, let his crime be made evident any way whatsoever: For whatsoever makes the truth evident, is, and is accounted in all laws to be evidence.

Now the rules for examining whether any person is guilty, or not, and the evidence that is allowed as sufficient, is different in all nations: No two nations agree in the same evidence for the trial of criminals, nor in the manner of giving the evidence against them.

Your trials differ from all other nations, not only that you are tried by a Jury, which is particular to you, but that the witnesses are to be produced face to face before the offender; and you have made laws, that there shall be two witnesses in case of high treason; and herein you are the envy of all other nations.

Sir, the evidence that is to be given against criminals, differs in the same nation, when the offence differs; there is a difference between the evidence that will convict a man of felony, and the evidence that is to convict a man of treason; and the evidence to convict a man for the same crime, hath been different in the same nation at different times. No doubt, by the canon law of *England*, that evidence was sufficient to convict a man of any crime, which was sufficient to make the Jury believe the person guilty. Thus before the statute of *Edw. VI.* a man might be convicted of treason by one witness; though that statute was made upon great reason, and appears to be for the publick good, by the general approbation it hath received; yet I don't think in your proceedings here you are bound by it.

But Sir, it is said, shall we that are the supreme authority, (as we are part of it) go upon less evidence

dence to satisfy ourselves of Sir *John Fenwick's* guilt, than other courts? And shall we resort to this extraordinary way in this case.

Truly, if it did shake the manner of trials below, I should be very unwilling to do it; but I do take it clearly, that it cannot make the least alteration in the proceedings of any court; but on the contrary, I think there is no stronger arguments for your resorting to this extraordinary way, than that of the care and caution with which your law hath provided for defence of the innocent. For if we consider all those laws that have been made for that purpose, 'tis plain it must have been in the view of our ancestors, that many criminals might by this means escape. Your Laws are made for your ordinary trials, and for those things that happen usually; and there is no government we know in the world, where there is not resort to extraordinary power, in cases that require it. Your government indeed hath this advantage, that you can keep to rules which others cannot: For in a very wise government (as was observed by a person that was in this house the last time this was debated) all the ways of punishing crimes of this nature, are extraordinary. Persons are condemned there, not only unheard, but they are condemned before they are accused, and that is thought necessary there, which will not be endured here: And yet that government hath continued so many hundred years, and no endeavours hath been to alter it, though so many noble families have suffered by it; because they are convinced, as to their constitution, 'tis necessary.

The next argument is from the precedent you are about to make; and you have been told, whatever the other precedents have been, what you do now will be a precedent for you and your posterity: And whilst the argument is used only to make you cautious, and to make you consider well, whether it is according to your duty to your country to pass this bill,

(which no doubt is the only question before you) 'tis a good argument.

Sir, if this precedent shall appear to posterity to be a precedent of an innocent man, or a person whose guilt was doubted of, or one whose guilt did plainly not appear, and this bill should be carried by a prevailing party, I do agree it were a very ill precedent : But if the case be, that this precedent will appear to posterity upon the truth of the thing, to be a precedent made of a man notoriously guilty, of a man that had deserved this extraordinary way of proceeding, and this general resentment of the nation, and that nothing could have hinder'd this man from the common justice of the nation, but his having endeavoured to elude it in this matter ; and if it appears that you would not be put off so, but that your indignation made an example of this man, I shall not be sorry it should appear to posterity ; but I believe posterity will (as I think they ought) thank you for it.

Sir, I do say for my own particular, while I am innocent, I should not think my life in danger to be judged by 400 *English* gentlemen and the peerage of *England*, with the royal assent : And when I reflect, I cannot be of opinion, that the government could have procured a Parliament, to have passed a bill of attainder against my Lord *Russel*, or Mr. *Cornish*, or Mr. *Colledge* : I do not think all the power of the government could have prevailed to have done that, although they could prevail to have them condemned by the forms of law. And here I see that a great many Gentlemen have opposed every step of this bill, for fear of making an ill precedent : Yet these Gentlemen do believe in their own private consciences, that he is guilty : And I cannot think that any innocent person can be in danger by such a bill, when Gentlemen oppose this bill only upon the prudential part, though they still confess him to be guilty.

The conclusion I make for my self is, that I am convinced in my conscience (which I think is sufficient, when I act in the capacity I now do) that Sir *John Fenwick* is guilty of high treason, and that there are reasons so extraordinary to support this bill of attainder, that I do not see how any person that is so convinced, can refuse to give his affirmative to this bill.

Sir *Godfrey Copley*. Sir, I am very sensible a great deal hath been said upon this subject, but I think there is some thing in duty incumbent upon every man, especially upon me, who cannot concur with the general sense of the house, to give my reasons for my disagreement; and I will make use of no arguments, but such as I cannot answer my self. A great deal hath been said upon this debate by Gentlemen learned in the law; and many of these, though they have said they would not speak against the power of Parliaments, yet the greatest part of their arguments have touched upon your method of proceedings; and to shew you how they interfere with the rules of *Westminster-hall*: So great is the force of custom and education: but I acknowledge some have brought us arguments quite of another strain.

Sir *Godfrey Copley's*
speech a-
gainst the
bill.

I take the punishment of offenders to be one of the necessary supports of all governments: and all societies of men have laid down to themselves some rules, by which they judge whether persons accused are innocent or guilty: Therefore in a matter of this extraordinary importance, it is proper to consider what rules we have to go by.

It is the custom and law of our nation, to require two positive witnesses to prove treason; and though, I think, without the utmost necessity it is not prudent to deviate from that rule, yet I will not argue from thence that we are tied up to it: No, it is most certain on the other hand, that the legislative authority which hath power, if they think good, to abrogate all laws now in being,

cannot be tied up to any rules of human prescription. But Sir, there are the eternal rules of equity, and justice, and right reason, and conscience ; and these I think are unalterable, and never to be swerved from ; and therefore I shall take the liberty to see how far agreeable our proceedings are to these rules.

Sir, I look upon it as a fundamental breach of those rules, for an accusation to be given in against any man behind his back, by he knows not whom, or by any with whom he is not confronted, and brought face to face.

I am one of those that look upon Sir *John Fenwick* to be guilty, and there is a proof of it by one witness ; and to this you have added an indictment that is proved. Now I must needs own, that I think that to be so far from giving any credit or strength to the evidence, that in my opinion the injustice which attends it, makes the scales lighter than they were before, for if any bill or writing sworn behind a man's back, may be used as part of evidence, I do by parallel reason argue, that the like may make up the whole at one time or other ; and then the information of any two profligate knaves before a Secretary of state, or a Justice of peace, shall be sufficient, without any living testimony, to make a man run the hazard of his life.

Then Sir, I am not at all convinced of the necessity of this proceeding : I must confess, that those that brought this matter before us, are much wiser than I, and therefore I will not examine what reason they had to do it ; but it is so little agreeable to me, I wish it had not come here. But is it to be supposed that your government is in hazard by any man that is fast in *Newgate*. Can any man think, that Sir *John Fenwick* can do any thing in his condition, to hazard it ? Can you expect that a man that hath been six months in prison, and

no body came at him, that he may make such a discovery as may be worth your while? But suppose you had a man of invention and practice, what a spur do you put to it? May not a man of parts, when he hath no other way to save himself, may not he form such a plot, as (should it gain belief) might make the best subject in *England* tremble?

'Tis not Sir *John Fenwick's* life which I argue for; I do not think it of so great value, to deserve so long and solemn a debate, in this house, nor the consideration of so great an assembly after this manner. But I do say, if this method of proceeding be warranted by an *English* Parliament, there is an end to the defence of any man living, be he never so innocent.

Sir, I remember I heard it mentioned on the other side of the way, by an honourable person, who never lets any argument want its weight, that King *James* attainted a great number of persons in a catalogue, in a lump. Sir, I am not afraid of what arbitrary Princes do, nor an *Irish* Parliament; but I am afraid of what shall be done here: I am concerned for the honour of your proceedings, that it may be a precedent to a future Parliament, in an ill reign, to do that which, I am satisfied, you would not do. I had some other thoughts, which I cannot recollect, though these reasons are sufficient to convince me.

The other members who spoke for the bill, were Mr. *Mountague*, my Lord *Cutts*, Sir *William Strickland*, Sir *Herbert Crofts*, Mr. *Vernon*, Mr. *Smith*, Mr. *Boscawen*, Mr. *Cowper*, Mr. *Sloan*, Col. *Wharton*: Those who spoke against the bill, were Sir *Charles Carteret*, Mr. *Manley*, Mr. *Dolben*, Sir *Edward Seymour*, Sir *Robert Cotton*, Lord *Norrey's*, Mr. *Hammond*, Mr. *Bromley*, Mr. *Harcourt*, Sir *Richard Temple*, Mr. *Paget*, Mr. *Jefferies*, Mr. *Edward Harley*. After the arguments had been offered

Members for
and against
the bill.

ed on both sides, the question was put for passing the bill ; whereupon the house divided, and it was carried in the affirmative by 189 voices against 156, and sent up to the Lords by Mr. *Norris*.

Lords pro-
test.
Contents 68
Not Cont.
61.

This bill found the Lords divided in their opinions. All who were disaffected to the government, fell into the negative ; and even some of the best friends to the revolution and establishment, were very averse to any extraordinary way of proceeding : Yet the bill was at last carried by a majority of seven voices only, there being 68 for it, and 61 against. Which occasioned the following protest.

Die Mercurii, 23 Decembris, 1696.

Hodie 3^a vice lecta est billa, entitled an act to attaint Sir *John Fenwick* Bart. of high treason. The question was put whether this bill shall pass ?

It was resolved in the affirmative.

Leave being asked and given for any Lord to dissent, if the question was carried in the affirmative. We whose names are underwritten do dissent for the reasons following.

Reasons of
the protest-
ing Lords.

1st, Because bills of attainder against persons in prison, and who are therefore liable to be tried by common law, are of dangerous consequence to the lives of the subjects, and as we conceive, may tend to the subversion of the laws of this kingdom.

2^{dly}, Because the evidence of Grand-Jury-men, of what was sworn before them against Sir *John Fenwick*, as also the evidence of the petty-jury-men, of what was sworn at the trial of other men, were admitted here ; both which are against the rules of law, besides that they disagreed in their testimony.

3^{dly}, Because the information of *Goodman* in writing was received, which is not by law to be admitted ; and the prisoner for want of his appear-
ing

ing face to face, as is by law required, could not have the advantage of crossexamining him; And it did not appear by any evidence, that Sir *John Fenwick*, or any other person employed by him, had any way persuaded *Goodman* to withdraw himself; and it would be of very dangerous consequence, that any person so accused, should be condemned; for by this means, a witness who should be found insufficient to convict a man, shall have more power to hurt a man by his absence, than he could have if he were produced *viva voce* against him.

4thly, Because if *Goodman* had appeared against him, yet he was so infamous in the whole course of his life; and particularly for the most horrid blasphemy which was proved against him, that no evidence from him could or ought to have any credit, especially in the case of blood.

5thly, Because in this case there was but one evidence, viz. *Porter*, and he, as we conceive, a very doubtful one.

6thly, Lastly, Because Sir *John Fenwick* is so inconsiderable a man as to the endangering the peace of the government, that there is no necessity of proceeding against him in this extraordinary manner.

<i>Huntingdon.</i>	<i>Hallifax.</i>	<i>Normanby.</i>
<i>Thanet.</i>	<i>Lindsay.</i>	<i>Weymouth.</i>
<i>N. Dunelm.'</i>	<i>P. Winton'.</i>	<i>Tho'. Menev'.</i>
<i>R. Bath and</i>	<i>Arundell.</i>	<i>Dartmouth.</i>
<i>Wells.</i>	<i>Lempster.</i>	<i>Sussex.</i>
<i>Craven.</i>	<i>Hereford.</i>	<i>Northampton.</i>
<i>Carlisle.</i>	<i>Carnarvon.</i>	<i>Bathe.</i>
<i>Nottingham.</i>	<i>Jonat. Exon'.</i>	<i>Tho'. Roffen'.</i>
<i>H. London.</i>	<i>Jeffreys.</i>	<i>Bristol.</i>
<i>Gil. Hereford.</i>	<i>Northumberland.</i>	<i>Leeds.</i>
<i>Willoughby.</i>	<i>Abingdon.</i>	<i>Rocheſter.</i>
<i>Kent.</i>	<i>Hunſdon.</i>	<i>Leigh.</i>
<i>R. Ferrers.</i>	<i>Chandos.</i>	<i>Wilby. de Broke.</i>
<i>Granville.</i>	<i>Scarsdale.</i>	
<i>Fitzwalter.</i>		

On Monday, January 11th. His Majesty came to the house of Peers, and gave the royal assent to.

1st, *An act to attain Sir John Fenwick, Baronet, of high treason.*

2dly, *An act to attain such of the persons concerned in the late horrid conspiracy, to assassinate his Majesty's royal person, who are fled from justice, unless they render themselves to justice; and for continuing several other of the said conspirators in custody.*

The Parli-
ment intent
on retrieving
the publick
credit.

The next business of importance was to retrieve and maintain the publick credit; and to supply the want of money by the currency of *exchequer* bills, and to support the bank of *England*: The Commons were so intent upon these wise ends, that when in a paper entitled the *Flying-Post*, published on *Thursday, April the 1st*, there was this advertisement: *We hear, that when the exchequer notes are given out upon the capitation fund, whosoever shall desire specie on them, will have it at five pound and a half per cent. of the society of Gentlemen that have subscribed to advance some hundred thousands of pounds*: They voted this passage to be a *malicious insinuation, in order to destroy the credit and currency of the exchequer bills*. They ordered the printer, *John Salisbury*, to be sent for in custody: And gave leave to bring in a bill, to prevent the writing, printing or publishing any news without licence. And yet when such a bill was presented by *Mr. Pultney*, it was thrown out before a second reading: Because tho' they saw the mischiefs of the liberty of the press, they knew not where to fix the power of restraint.

April

April 16th, His Majesty came to the house of Lords, when, after having given the royal assent to several bills, he made this speech to both houses. 1697.

My Lords and Gentlemen,

HAVING given my assent to the several bills you have presented to me, I am now to return you my hearty thanks for what you have done this session, which has been carried on with great prudence, temper and affection. King's Speech.

At the opening of the session, I told you how sensible I was of the difficulties to be struggled with, which were of such a nature, that, I will freely own, the hopes I had of our being able to overcome them, were founded only upon the wisdom and zeal of so good a Parliament.

My expectation has been fully answered; you entered upon the business with so much cheerfulness, proceeded so unanimously, and have at last brought things to such a conclusion, that we may hope to carry on the war with success, in case our enemies do not think it their interest to agree to an honourable peace: And so effectual a provision being made for supplying the deficiencies of former funds, (which is the best foundation for re-establishing of credit) I doubt not but in a short time it will have a very happy effect, to the universal ease and satisfaction of my people.

The circumstances of affairs making it necessary for me to be out of the kingdom for some time, I shall take care to leave the administration of the government, during my absence, in the hands of such persons as I can depend upon.

My Lords and Gentlemen,

I have nothing more to ask of you, but that you would carry down the same good disposition into your

your several countries, which you have expressed in all the proceedings of this session.

And then the Parliament was, by his Majesty's command, prorogued until the thirteenth day of *May* next.

1697.
Parliament
meets.

On *Friday, December 3d.* The Parliament met at *Westminster*, and the King in his robes made this speech to the two houses.

My Lords and Gentlemen,

THE war which I entered into by the advice of my people, is by the blessing of God, and their zealous and affectionate assistance, brought to the end we all proposed, an honourable peace; which I was willing to conclude, not so much to ease my self from the trouble or hazard, as to free the kingdom from the continuing burthen of an expensive war.

I am heartily sorry my subjects will not at first find all that relief from the peace, which I could wish, and they may expect; but the funds intended for the last year's service, have fallen short of answering the sums for which they are given; so that there remain considerable deficiencies to be provided for.

There's a debt upon the account of the fleet and the army. The revenues of the crown have been anticipated by my consent, for publick uses; so that I am wholly destitute of means to support the civil list; and I can never distrust you'll suffer this to turn to my disadvantage, but will provide for me, during my life, in such a manner, as may be for my honour, and for the honour of the government.

Our naval force being increased to near double what it was at my accession to the crown, the charge of maintaining it will be proportionably augmented; and it is certainly necessary for the interest and reputation of *England*, to have always a great strength at sea.

The circumstances of affairs abroad are such, that I think my self obliged to tell you my opinion, that for the present, *England* cannot be safe without a land force ; and I hope we shall not give those who mean us ill, the opportunity of effecting that, under the notion of a peace, which they could not bring to pass by a war.

I doubt not but you gentlemen of the house of Commons, will take these particulars into your considerations, in such a manner as to provide the necessary supplies, which I do very earnestly recommend to you.

My Lords and Gentlemen,

That which I most delight to think of, and am best pleased to own, is, that I have all the proofs of my people's affection, that a prince can desire ; and I take this occasion to give them the most solemn assurance, that as I never had, so I never will, nor can, have any interest separate from theirs.

I esteem it one of the greatest advantages of the peace, that I shall now have leisure to rectify such corruptions or abuses as may have crept into any part of the administration during the war ; and effectually to discourage prophaneness and immorality : And I shall employ my thoughts in promoting trade, and advancing the happiness and flourishing estate of the kingdom.

I shall conclude with telling you, that as I have with the hazard of every thing, rescued your religion, laws and liberties, when they were in the extreamest danger ; so I shall place the glory of my reign in preserving them entire, and leaving them so to posterity.

This speech seemed to be most acceptable to the Lords, who made an address to his Majesty :
 ' Congratulating his happy return, accompanied
 ' with the blessings of a safe and honourable peace ;
 ' which,

Lords address.

‘ which, next under God, they were sensible was
 ‘ owing to his courage and conduct : That after the
 ‘ hazards and labours he had so long sustained for
 ‘ the good of *Europe*, there wanted nothing but this
 ‘ to compleat the glory of his reign. They should
 ‘ never be wanting in their endeavours to assist his
 ‘ Majesty in maintaining that quiet which he had so
 ‘ gloriously restored to these kingdoms, and in con-
 ‘ tributing all they could to the safety of his person,
 ‘ and the securing the peace and prosperity of his
 ‘ government.

His Majesty, in return, assured their Lordships of his kindness ; and told them, *He hoped this peace would be so blest, that they might long enjoy it.*

His Majesty’s speech did more variously affect the Commons : Some thought some expressions in it too magisterial ; others seemed to be offended at his Majesty’s putting them in mind of what he had done for the nation ; others again distrusted the great promises of what he would do for them ; and most began to be jealous of the expression, *That England could not be safe without a land force.* By which they understood that odious thing a *standing army*. However, on *December 9th*, the Commons presented this humble address to the King.

Commons
address.

‘ **W**E your Majesty’s most dutiful and loyal
 ‘ subjects, the Commons in Parliament as-
 ‘ sembled, who have so frequently waited on your
 ‘ Majesty with the tender of our assistance for car-
 ‘ rying on the war, come now to congratulate your
 ‘ Majesty upon the happy conclusion of it, in a peace
 ‘ so honourable and advantageous to the nation, as
 ‘ sufficiently justifies the wisdom of the Commons
 ‘ in advising, and your Majesty’s conduct in the
 ‘ prosecution of it.

‘ The prospect of the benefits your people will
 ‘ receive from this peace, is very pleasing. The
 ‘ honour your Majesty has restored to *England*, of
 ‘ hold-

‘ holding the balance of *Europe*, gives your subjects
 ‘ great content. But what your Commons are most
 ‘ affected and delighted with, is, that your Ma-
 ‘ jesty’s sacred person will now be secure, from those
 ‘ many and great dangers, to which you have so
 ‘ often exposed it for our sakes. Nothing being so
 ‘ evident, as that your Majesty’s return in safety,
 ‘ was a blessing more welcome to your people than
 ‘ peace, and received with greater demonstrations
 ‘ of joy.

‘ We therefore with hearts full of affection, duty,
 ‘ and gratitude, do assure your Majesty in the name
 ‘ of all the Commons of *England*, that this house
 ‘ will be very ready to assist and support your Ma-
 ‘ jesty, who, by putting a period to the war, has
 ‘ confirmed us in the quiet possession of our rights
 ‘ and liberties, and so fully compleated the glorious
 ‘ work of our deliverance.

The King answered thus :

Gentlemen,

Nothing that relates to the peace pleases me so much, as the satisfaction you have in it : And as you have assisted me in the war, beyond all expression, I do not doubt, but you will be as zealous in maintaining the peace.

King’s
Answer.

Standing forces, however established and regulated by law, or however necessary to maintain the peace, were thought intolerable ; and therefore upon entering into a consideration of his Majesty’s speech, the first resolution of the Commons, was on *December 11th. That all the land forces of this kingdom, that have been raised since the 29th of September 1680, shall be paid and disbanded.* The friends of the King and his government had well argued, that the nation was still unsettled, and not quite delivered from the fear of King *James* ; that the adherents to that abdicated Prince

The grie-
vance of
standing
forces.

Prince were as bold and numerous as ever ; and he himself still protected by the *French* King ; who having as yet dismissed none of his troops, was still as formidable as before. That if our army was entirely disbanded, the peace which was obtained at the expence of so much blood and treasure, would be altogether precarious : And not only *England* but all *Europe* lie once more at the mercy of that ambitious Monarch, an inveterate enemy to King *William*, the protestant religion, and the liberties of *Christendom*. On the other hand, the country party, who valued themselves upon opposing any motions of the court ; the disaffected party, who never heartily approved the revolution ; the common-wealth party, who were secretly driving at a change of government into their own scheme and interest ; and even many worthy patriots, who had no worse view than the rights and liberties of their country : All, upon different thoughts, agreed in the same aversion to a standing army, and laboured to represent it as absolutely destructive to the constitution of the *English* government. And it was no wonder that their objections prevailed when they were more popular, and had this weight in them, that standing forces would want a continual tax ; and disbanding would relieve the people from the burthen of the war, which they would never be willing to bear in a time of peace. The King hoped that he had prevented the warmth of these debates at his last coming over, when he had caused several regiments of horse, dragoons, and foot to be disbanded ; and even others to be reduced, and sent away (most of them) either to *Scotland* or *Ireland*. And therefore he resented it as the greater hardship upon him, that he must have no troops remaining, but be left so naked and exposed, as if the peace were only to encourage his enemies to surprize him with another war.

The

The Commons however persisted in their resolutions of disbanding ; but to make it the more plausible, they passed a vote, *December the 13th, That it be an instruction to the Committee who were to consider of the supply, that they should likewise consider of a gratuity, to be given to such Officers and soldiers of the English army who were or should be disbanded :* And at the same time, ordered Mr. Hammond and Mr. Moyle to bring in a bill, *to enable soldiers who should be disbanded, to exercise their trades in any town or corporation throughout this kingdom.* And, to seem to provide for the security of the kingdom, when the army should be disbanded, on *December the 17th,* they appointed several members to prepare and bring in a bill, *to regulate the militia, and make them the more useful.* And on *December the 18th,* they resolved, *That ten thousand men are necessary for a summer and winter guard at sea, for the year one thousand six hundred ninety eight.*

Commons
for disband-
ing the
army.

On *December the 20th,* the Commons took the supply into consideration, and resolved, that in a just sense and acknowledgment of what great things his Majesty has done for these kingdoms, a sum not exceeding seven hundred thousand pounds be granted to his Majesty during his life, for the support of the civil list.

On *Friday, January the 14th,* to encourage the dispatch of business, his Majesty came to the House of Peers, and sending for the Commons, gave the royal assent to several bills.

The same day, the house of Commons agreed to the resolutions which had been taken in a grand Committee about the supply : *First,* That a sum not exceeding three hundred fifty thousand pounds, be granted to his Majesty, for maintaining guards and garrisons for the year 1698. *Secondly,* That a supply be granted to his Majesty, which together with the funds already settled for that purpose, should be sufficient to answer and cancel all *Exchequer* bills, issued

Uses of sup-
ply.

issued or to be issued, not exceeding two millions seven hundred thousand pounds. *Thirdly*, That a supply be granted to his Majesty, for the speedy paying and disbanding the army. And then they ordered, that a bill be brought in for reducing the discount upon *Exchequer* bills, and giving them a better currency.

On *January* the 18th, they came to other softening resolutions. *First*, That upon disbanding the army, over and above what is due to them, there be allowed by way of bounty, fourteen days subsistence to each foot-soldier and non-commission Officer; and to each foot-soldier three shillings more, in lieu of his sword, which he is to deliver up. *Secondly*, That upon disbanding the army, over and above what is due to them, there be allowed by way of bounty, six days full pay to each private trooper and non-commission Officer of the horse and dragoons. *Thirdly*, That of the supply to be granted to his Majesty, the sum of two hundred and fifty thousand pound be allowed upon account, towards defraying the charge of disbanding the private troopers, and centinels, and non-commission Officers, of the horse, dragoons, and foot. *Fourthly*, That provision be made for giving half-pay to the commission Officers, (his Majesty's natural-born subjects of *England*) till the said Officers shall be fully paid off and cleared, and be otherwise provided for.

For making good deficiencies.

To proceed in the softer ways, the Commons resolved to make good the deficiencies of former funds; and therefore, on *January* the 22d, they voted the sum of four hundred and seven thousand pounds, for making good the deficiency of the aid of three shillings in the pound, granted to his Majesty the last session of Parliament; and nine hundred and forty thousand pounds, for making good the deficiency of the subsidies, and other duties granted at the same time; and one hundred twenty nine thousand pound, for making good the deficiency of

of the aid of one shilling in the pound. And they ordered a Committee to consider of ways and means for making good the said deficiencies. On *February* the 1st, having taken the arrears of the army into consideration, they resolved that the sum of 1254000*l.* was necessary to clear the arrears of pay, due to the land-forces, according to the establishment from the 1st of *April* 1692, to the last day of *September* 1697. besides 940815*l.* for subsistence, 28295*l.* for contingencies, 5000*l.* for the general Officers, and 75000*l.* for the guards and garrisons; in all 2348102*l.* And that there was but 855502*l.* remaining in the hands of the pay-master of the army, the first day of *January* 1697-8.

To raise the sums which the Parliament had voted necessary for disbanding the army, paying off of quarters, and paying of seamen, and towards making good of loans, and the deficiencies of former funds; they resolved, *February* 9th, to lay an aid of three shillings in the pound upon land, by way of assessment upon every county, in proportion to the rates of the first four shillings aid granted in 1691, by which means they prevented any future deficiency of this fund. The next day, they considered the account of what was due to some of his Majesty's allies, both for arrears of subsidies, and for payment of auxiliaries; and resolved, that 180000 rix-dollars were due to the Elector of *Brandenburgh*; 250000 rix-dollars to the Landgrave of *Hesse-Cassel*; 121223 rix-dollars to the Duke of *Wolfenbuttle*; 149997 rix-dollars to the Bishop of *Munster*; 50000 rix-dollars to the Duke of *Hanover* and *Zell*; 25000 rix-dollars to the Duke of *Holstein*, and 200000 rix-dollars to the King of *Denmark*, both upon the fore-mentioned account, and in consideration of an entire prohibition of commerce between that crown and *France*. They also resolved, that there was due the sum of 177000 pounds to the contractors for bread and forage. Four days after, they further examined

into the debt of the nation, and resolved, that the sum of 1392742 *l.* was due upon the several heads of the estimate of the general debt of the navy ; 204157 *l.* to the office of ordnance ; 340708 *l.* for transports for reducing of *Ireland* ; 125785 *l.* for other transport service ; and 49929 *l.* for quartering and cloathing the army raised by act of Parliament in 1677, and disbanded by another act in 1679.

For paying
all arrears
of debt.

It being impossible for the nation to acquit this vast debt at once, the Commons resolved to do it by degrees ; and therefore voted, *First*, That the debt due for clearing the army, from the 1st of *April* 1692, to the last day of *September* 1697, amounting to 1254000 *l.* the sum of 139066 *l.* be raised in the year 1698, which would clear the army to the 1st day of *April*, 1693. *Secondly*, That the sum of 203450 *l.* be raised for the clearing the arrears of subsistence to the troops in *England*, between the 1st day of *January*, 1696, and the 1st day of *August*, 1697. *Thirdly*, That 450816 *l.* be raised for clearing the arrears of subsistence to the troops in *Flanders*, to the 4th day of *October*, 1697. *Fourthly* That the sum of 50000 *l.* be raised for the General Officers. *Fifthly*, That 137990 *l.* be raised for clearing the arrears of subsistence due to the troops in *Flanders*, from the 4th of *October*, 1697, to the last of *December*. *Sixthly*, That the sum of 1100117 *l.* be raised for the navy ; *viz.* 100000 *l.* for wear and tear ; 600000 *l.* for seamens wages, in part of 1862849 *l.* due on that score ; 16389 *l.* due to the register'd seamen ; 24000 *l.* for the salaries of the Commissioners of the admiralty, and other Officers, and for contingencies ; 28663 *l.* for half-pay sea Officers ; 90073 *l.* for pensions to superannuated sea Officers and widows ; 15927 *l.* for the charge of the yards ; 848 *l.* for the muster-masters of the out-ports ; 43399 *l.* for wages to ships and vessels in ordinary ; 19608 *l.* for victuals of the ships in ordinary ; 32558 *l.* for harbour-moorings ; 35848 *l.* for ordinary

ordinary repairs of the navy ; 55520 *l.* for the two marine regiments ; and 37286 *l.* for the charge of the office for registering seamen. *Seventhly*, That the sum of 60000 *l.* be allowed for the ordnance. And *Eighthly*, That provision be made towards payment of the principal and interest of the transport-debt. All which sums they resolved to raise in the year 1698.

The false endorsement of *Exchequer* bills was such a scandalous practice, that it took up much of the Commons time to enquire into it, and reform it. These *Exchequer* bills were of mighty use in the nation, by supplying the scarcity of money during the recoinage of the silver species. Now, because there was an interest of seven pounds twelve shillings *per annum* allowed upon the second issuing the said bills out of the *Exchequer*, after they had been paid in, on any of the King's taxes ; whereas at their first issuing out of the *Exchequer*, they bore no interest ; this encouraged several of the King's Officers, both in the *Exchequer*, the customs, and the excise, to contrive together to get great sums of money by false endorsements on these *Exchequer* bills, before they had circulated about, and been brought into any branch of his Majesty's revenue. The most considerable persons that had carried on this unwarrantable practice, were Mr. *Charles Duncomb*, Receiver General of the excise ; Mr. *John Knight*, Treasurer of the customs ; Mr. *Bartholomew Burton*, who had a place in the excise-office ; and Mr. *Reginald Marryot*, one of the deputy-tellers of the *Exchequer* ; which last, to get his pardon, compounded to accuse the rest. Upon a full proof of the matter, *Duncomb* and *Knight*, who were members of the house of Commons, were first expelled the house and committed prisoners to the *Tower* ; *Burton* sent to *Newgate*, and bills ordered to be brought in to punish them. The bill against Mr. *Duncomb*, whereby a fine of near half his estate, (which

(which at that time was judged to be worth 400000 l.) was set upon him, did quickly pass the house of Commons, notwithstanding the opposition that was made to it, particular by the Attorney-General : But being sent up to the house of Lords, and their Lordships being equally divided, the Duke of *Leeds* gave his casting vote for the rejecting of the bill. It was then the common report, that Mr. *Duncomb* dispelled the impending storm by a golden sacrifice ; which however history cannot relate as a truth, because it never came to publick notice : But we must not pass over in silence, that Mr. *Duncomb* being set at liberty by the order of the house of Lords, without the consent of the Commons, the latter represented it to that degree, that they caused him to be remanded to the tower of *London*, where he continued to the end of the session. The bills against *Knight* and *Burton* had the same fate ; and so all those threatening clouds that seemed ready to crush the false indorsers, spent themselves in vapour and noise.

The Commons did this year design to apply part of all the forfeited estates to the use of the publick, in order to which, they enquired into the grants made by King *Charles II.* and King *James II.* and ordered a bill to be brought in to make them void. Afterwards they examined the grants made by his present Majesty in *Ireland* ; and because a grant was found made by Mr. *Railton*, which Mr. *Mountague*, Chancellor of the *Exchequer*, owned to be for his benefit, a warm debate arose thereupon ; and the enemies of the latter, who were not few (for the reasons I hinted before) moved, that he should withdraw ; which passing in the negative, it was resolved by a great majority, *That it was the opinion of this house that the honourable Charles Mountague, Esq; Chancellor of the Exchequer, for his good services to this government, did deserve his Majesty's favour :*

A vote

A vote that will render his name famous to all succeeding ages.

On *Feb.* 9th. A Committee was appointed to draw up an humble address to his Majesty, upon the debate of the house, to suppress prophaneness and immorality, and all books which endeavour to undermine the fundamentals of the christian religion, and to punish the authors. So that on *Feb.* 17th. this address was presented to the King by the whole house.

1698.
State of religion.

May it please your Majesty,

WE your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, do with great joy and comfort remember the many testimonies which your Majesty has given us of your sincerity and zeal for the true reformed religion, as established in this kingdom : And in particular, we beg leave to present to your Majesty our most humble and thankful acknowledgments, for the late gracious declaration your Majesty has made to us from the throne, that you would effectually discourage prophaneness and immorality, which chiefly by the neglect and ill example of too many magistrates, are, like a general contagion, diffused and spread throughout the kingdom, to the great scandal and reproach of our religion, and to the dishonour and prejudice of your Majesty's government.

Therefore in concurrence with your Majesty's pious intentions, we do most humbly desire, that your Majesty would issue out your royal Proclamation, commanding all your Majesty's Judges, Justices of the peace, and other Magistrates, to put in speedy execution those good laws that are now in force against profaneness and immorality, giving due encouragement to all such as do their duty therein : And that your Majesty would be

‘ pleased to require from your Judges and Justices
‘ of Assize, from time to time, an account of such
‘ their proceedings.

‘ And since the examples of men in high and
‘ publick stations have a powerful influence upon the
‘ lives of others, we do most humbly beseech your
‘ Majesty, that all vice, prophaneness and irreligion,
‘ may in a particular manner be discouraged, in those
‘ who have the honour to be employed near your
‘ royal person ; and in all others who are in your
‘ Majesty’s service, by sea and land ; appointing
‘ strict orders to be given to all your commanders,
‘ that they not only shew a good example themselves,
‘ but also inspect the manners of those under them ;
‘ and that your Majesty would upon all occasions
‘ distinguish men of piety and virtue, by marks of
‘ your royal favour.

‘ We do further in all humility beseech your Ma-
‘ jesty, that your Majesty would give such effectual
‘ orders, as to your royal wisdom shall seem fit, for
‘ the suppressing all pernicious books and pamphlets,
‘ which contain in them impious doctrines against
‘ the Holy Trinity, and other fundamental articles
‘ of our faith, tending to the subversion of the
‘ Christian Religion, and that the authors and pub-
‘ lishers thereof may be discountenanced and pu-
‘ nished.

‘ And we do also most humbly beseech your Ma-
‘ jesty, that your said Proclamation may be ordered
‘ to be read at least four times in the year, in all
‘ churches and chappels, immediately after divine
‘ service ; and at the Assizes and Quarter-sessions of
‘ the peace, just before the charge is given.

‘ We present to your Majesty this our most
‘ humble address, proceeding from our duty and
‘ zeal for the glory of God, and to the end
‘ that all our counsels may be blessed by his divine
‘ assistance, and may produce honour, safety and
‘ happiness,

‘ happiness, with all the blessings of a lasting peace,
 ‘ to your Majesty and your people.

His Majesty received this address with a singular satisfaction, and gave this agreeable answer.

Gentlemen,

I Cannot but be very well pleased with an address of this nature ; and I will give immediate directions in the several particulars you desire : But I could wish some more effectual provision were made, for the suppressing those pernicious books and pamphlets which your address takes notice of.

Upon this seasonable intimation of his Majesty, leave was given, Feb. 26th, to bring in a bill or bills, for the more effectual suppressing prophane-ness, immorality and debauchery ; and Sir John Philips, and Mr. Edward Harley were ordered to prepare and bring in the said bill or bills. In the mean time, an ingrossed bill from the Lords came down to the Commons, entituled, *An act for the more effectual suppressing of Atheism, Blasphemy and Prophaneness* : Which being committed at the second reading to a Committee of the whole house, was after some amendments and conferences, happily agreed to. And in the mean time, his Majesty, with immediate compliance to the request of the Commons, published a Proclamation for preventing and punishing immorality and prophaneness.

An act for
 suppressing
 Atheism,
 &c.

About the latter end of May, the Commons entered on the business of the *East-India* trade, which had been depending many years, and was looked on as so nice and difficult, that it had been referred to the King and his council, and back again by them to the Parliament. The old company having offered to advance 700000 l. at four *per cent.* for the service of the government, in case the trade to
India,

East-India
 Companies.

India might be settled on them exclusive of all others, the house seemed inclined to embrace their proposal; when another number of Merchants of whom one *Shepherd* was the chief, and who were protected by Mr. *Mountague*, Chancellor of the *Exchequer*, proposed to the house to raise two millions at 8 *per cent.* on condition the trade to *India* might be settled on the subscribers, exclusive of all others: They also proposed that these subscribers should not be obliged to trade in a joint-stock; but if any members of them should afterwards desire to be incorporated, a charter should be granted to them for that purpose. The house judged this new overture not only to be more advantageous to the government, but likewise very likely to settle this controverted trade on a better foundation than it was on before. A bill was therefore, on *May* the 26th, ordered to be brought into the house, for settling the trade to the *East-Indies* on those who should subscribe the two millions, according to the limitations before-mentioned, and the following resolutions.

First, ' That every subscriber might have the liberty of trading yearly, to the account of his respective subscription; or might assign over such his liberty of trading to any other person. *Secondly*, That his Majesty be empowered to incorporate such of the said subscribers, as should desire the same. *Thirdly*, That the powers and privileges for carrying on the *East-India* trade, should be settled by Parliament. *Fourthly*, That the said subscribers should enjoy the said eight pounds *per Cent.* and liberty of trading to the *East-Indies*, exclusive of all others, for the terms of ten years, and until the same should be redeemed by Parliament. *Fifthly*, That every person subscribing five hundred pounds, have a vote; and no person to have more votes than one. *Sixthly*, That all ships laden in the *East-Indies*, should be obliged to deliver in *England*. *Seventhly*, That no person that should

‘ should be a member of any Corporation trading to
‘ the *East-Indies*, should trade otherwise than in the
‘ joint-stock of such Corporation of which he was a
‘ member. *Eighthly*, That five pounds *per Cent. ad*
‘ *valorem*, upon all returns from the *East-Indies*,
‘ be paid by the importer; to be placed to the ac-
‘ count of the subscribers, towards the charge of
‘ sending ambassadors, and other extraordinary ex-
‘ pences. And *Ninthly*, That over and above the
‘ duties now payable, a further duty of one shilling
‘ and ten pence *per pound weight*, be laid upon all
‘ wrought silks imported from *India* and *Persia*; to
‘ be paid by the importer.’ This bill being accord-
ingly brought into the house, the old *East-India*
company presented a petition against it: To which
the Commons had so much regard, as to offer them
to settle this trade upon them, if they would accept
it on the same terms and limitations, on which the
others were contented to take it; and which the
Parliament judged most advantageous for the King-
dom. But the members of the old company having
rejected this proposal, the Commons on *June*
the 25th passed the bill in favour of the new
adventurers.

The old *East-India* company followed the bill to
the upper house; where they were heard by their
council, Sir *Thomas Powis*, and Sir *Bartholomew*
Showers; who represented, ‘ That this bill invaded
‘ their property, and ruined many families. That
‘ in the Charters granted them by Queen *Elizabeth*,
‘ King *James* the 1st, King *Charles* the 2d, and King
‘ *James* the 2d, it was suggested that their corpora-
‘ tion was for the honour of *England*, for the increase
‘ of navigation, and the advance of trade. That
‘ the said Charters contained a grant of the trade to
‘ the *East-Indies*, to the Company, exclusive of all
‘ others. That by some of them they were consti-
‘ tuted the Lords proprietors of *Bombay*, and of the
‘ island of *St. Helena*. That by these grants, they
‘ were

‘ were induced to think they had a right in law to
‘ the trade; at least, that they should have an un-
‘ controverted title to the lands: And that upon this
‘ presumption, and relying upon the publick faith
‘ and credit of the great seal of *England*, they had
‘ expended above a million in fortifications, and ac-
‘ quired revenues of 44000*l.* *per Annum*, and
‘ many settlements and privileges.

‘ That in the year 1691, the house of Commons
‘ had made a resolution, that the *East-India trade*
‘ *should be carried on in a joint-stock, exclusive of all*
‘ *others.* That their company was confirmed and
‘ settled by three Charters, granted by his present
‘ Majesty, on the 7th of *October*, and 17th of *No-*
‘ *vember*, 1693; and 28th of *September*, 1694.
‘ That upon the security of these Charters, the com-
‘ pany consented to a new subscription: That there
‘ was a new subscribed 744,000*l.* and the money
‘ brought in during the sitting of the Parliament;
‘ and that nothing was done, said, or offered against
‘ his Majesty’s Charter of regulations: So that upon
‘ the publick faith, (at least tacitly given) 781 new
‘ adventurers, of which many were widows and or-
‘ phans, did subscribe a large part of their substance
‘ to support this trade, during a hazardous war, for
‘ the profit and honour of *England*: And that the
‘ new adventurers, thought they might, without any
‘ hazard, subscribe on the security of a Charter,
‘ which was so plainly designed by his Majesty to
‘ preserve the *East-India* traffick, then in danger of
‘ being lost. That on the 10th of *June*, after the
‘ bill now depending before their Lordships was
‘ brought in, the company did agree to submit their
‘ present stock to a valuation of 50*l.* *per Cent.* viz.
‘ 20*l.* *per Cent.* for their dead stock, and 30*l.*
‘ *per Cent.* for their quick stock, which they were
‘ contented to warrant at the said sums: And upon
‘ these terms they offered to open their books for
‘ new subscriptions, in order to raise the two millions.

‘ That

‘ That afterwards, in order to ascertain the payments
‘ of the said two millions, they had a general court
‘ on the 20th of *June* ; in which they agreed to an
‘ immediate subscription by private adventurers of
‘ 200,000 *l.* to be paid at the first payment, subject
‘ to make good the subsequent payments ; which
‘ subscription was accordingly made. That it has
‘ been the common practice, in farms, bargains,
‘ and offers of the like nature, not to close with a
‘ new proposal, ’till the first bidder be asked, whe-
‘ ther he is able to advance further ? And that not-
‘ withstanding their Charters, and the right they had
‘ to the trade, they were early told, their proposal
‘ should be opposed, though they offered the two
‘ millions in question. And lastly, that the bill
‘ allowed foreigners as well as the King’s subjects to
‘ subscribe to the two millions ; whereby they would
‘ be let into the secrets and mysteries of this trade,
‘ which might produce effects very pernicious to the
‘ general interest of the nation.

‘ To this the council for the new subscribers replied,
‘ That in the recital of their Charters, the old com-
‘ pany had omitted to give an account of the pro-
‘ viso’s inserted therein ; *viz.* That the respective
‘ Kings that granted them, reserved a power to
‘ make them void upon three years warning. That
‘ the King by his Charter could not grant the trade
‘ to the *East-Indies*, exclusive of all others ; and that
‘ several recoveries had been made against them at
‘ law, for prosecuting such pretended right. That
‘ as the crown has not a power to grant such a right,
‘ so his present Majesty had not, in fact, granted any
‘ such right exclusive. That when they mentioned
‘ the resolution of the Commons in 1691, they o-
‘ mitted their other resolution, *That it was lawful for*
‘ *all persons to trade to the East-Indies, unless restrain-*
‘ *ed by act of Parliament.* Neither did they take
‘ notice of the two addresses made by the house of Com-
‘ mons to the King in 1691 and 1692, to dissolve the
‘ company.

‘ company. That on the 14th of *November*, 1692,
‘ Sir *Edward Seymour* declared to the Commons a
‘ message from his Majesty, importing, that his Ma-
‘ jesty had required the *East-India* company to an-
‘ swer directly, whether they would submit to such
‘ regulations as his Majesty should judge proper and
‘ most likely to advance the Trade? And the com-
‘ pany having fully agreed to it, and declared their
‘ resolution in writing, his Majesty had commanded
‘ a Committee of his privy council to prepare regu-
‘ lations; which they did, and offered them to the
‘ company; but that notwithstanding their declara-
‘ tion of submission, they rejected almost all the ma-
‘ terial particulars. So that his Majesty finding that
‘ what possibly the house of Commons might have
‘ expected, and indeed was necessary to preserve this
‘ trade, could not be perfected by his own authority
‘ alone; and that the company could not be induced
‘ to consent to any such regulations as might have
‘ answered the intentions of the house of Commons,
‘ and that the concurrence of the Parliament was re-
‘ quisite to make a compleat and useful settlement of
‘ this trade, he had directed all the proceedings in
‘ this matter to be laid before them; and recom-
‘ mended to them the preparing such a bill, in order
‘ to pass into an act of Parliament, as might esta-
‘ blish this trade on such foundations as were most
‘ likely to preserve and advance it.’ It was also ur-
ged against the old company, that their Charter be-
ing become void by their non-payment of the tax
imposed upon them by Parliament, they obtained a
new Charter the 7th of *October*, 1693, by indi-
rect means, having that year paid eighty odd thou-
sand pounds out of the company’s stock, for special
service. That this Charter was contested before the
Queen and council, by those they called *interlopers*;
upon the hearing whereof it was unanswerably
proved, That the King had not by law a power to
grant

grant the trade to some persons, exclusive of others ; and that the company's affairs were then in such a condition, that it would be a plain cheat to others, that should come in upon their stock. They however, law and reason failing, had recourse to other methods, and great sums of money were distributed (as it was acknowledged before a Committee of both houses of Parliament) to get another Charter ; but that those who were concerned to advise his Majesty in point of law, were so just to their trust, as to take care that no right of trade exclusive of others, was granted: And also that the company should submit to such alterations, restrictions and qualifications, as the King should make on the 29th of September, 1693. following. And so on the 17th of Nov. 1693. a new charter of regulations was made, and another the 28th of September, 1694 ; wherein, amongst other things, was this proviso ; *That if it should appear to the King, his heirs, and successors, that the said two charters, or any other charters heretofore granted, should not be profitable to the King, his heirs, and successors, or to this realm ; that then, and from thenceforth, upon and after three years warning to be given to the said company by the King, &c. the same should cease, be void and determined.* That it appeared by the proceedings of the house of Commons in 1694. how this charter was obtained, which had more in it of private promises than publick faith: That it was not to be wondered, that the Parliament took no notice of the matter, whilst the new subscribers paid in their money, when it was considered, that according to Sir Basil Firebrass's depositions, there were several contracts, some to the value of 60000*l.* on account of procuring a new charter ; and others to the value of 40000*l.* on account of procuring an act of Parliament. That by such means the matter might be overlooked for a while, but it was not long before the Parliament took publick notice of it ; and if the greater affairs of the nation, had not
been

been so urgent, and the session been so near an end, perhaps the company might have had justice done them then, and had been past complaining of any imaginary injustice done them now. That therefore it was plain, that it was not for the profit and honour of the nation, and to support the trade, that the new subscribers came in, but that they were deluded into it by a charter obtained by indirect ways, and by the hopes of an act of Parliament to confirm it, to be obtained in the same manner. That the trade would have been much better preserved, and more to the honour of the nation, if no such underhand practices had been carried on. That if some persons, thinking themselves to have a greater reach than others, or being deceived by the old company's making his Majesty believe their stock to be worth 750000*l.* and by afterwards sharing 325000*l.* of the new subscribers money among themselves, or by the persons failing them who had promised to get an act of Parliament, or by losses at sea, or by what other means soever it were, happened to fail in their expectation, nobody was answerable for it but themselves; especially since they had warning enough by the transactions before the council. 'Twas alledged further, that in *Edward* the III^d, and Queen *Elizabeth's* reigns, upon complaint in Parliament of patents granted for monopolies, most of them were immediately revoked, and the rest left to the law. That in King *James* the first's time, an act of Parliament past, to make void a charter for the sole trade to *Spain*, and another against all monopolies. That though the patents for some trades with joint-stocks (whilst the trades for which they were granted were in their infancy) had been permitted for the settling of a trade, and till the first adventurers have reaped some reasonable compensation for their first undertaking and adventures; yet afterwards, when those trades have increased and become great, the
wisdom

wisdom of the nation has always thought fit to open a way for the kingdom to receive a general benefit thereby. That it never was esteemed a breach of the publick faith, or a derogation either from the credit of the great seal, or from the honour of our Kings, to have their patents annulled by Parliament, when the grants were thought by that grand council of the nation, not to be profitable, or to be against the common right of the subject; and that no King or Queen thought themselves bound in honour or conscience, not to pass an act of Parliament to make void such patent. That the King being busied in the many arduous affairs of the kingdom, cannot be supposed to know always what he might legally grant, and is oftentimes deceived in his grants, and for that reason, they are often annulled by the ordinary course of law; and so might this company's patent have been: For all persons having a right by law to trade to the *East-Indies*, unless excluded by Parliament, the King, by his charter, could not grant to the company any new right to the trade, besides the privileges of an incorporated body; but that the Commons, justly bearing a high veneration to his present Majesty, who has run so great hazards, and performed so glorious achievements for the honour and good of the nation, had notwithstanding taken care in this bill, that nothing should interfere with his Majesty's patent. That by this patent, the old company had indeed power to trade to the *East-Indies*, and other privileges, but without any express clause to exclude others, or any covenant, (as was in the former charters from the crown) that his Majesty would not grant likewise to others, to trade thither during the continuance of the said charters: So that even according to the charters themselves, all other subjects of *England* had a right to trade to the *East-Indies*; and many actually traded thither, without any hinderance. That tho' the old company talked so

much of their dependence on the security of their charters, yet they themselves were convinced, that their right was not well founded, since they had formerly laid out so much money to get an act of Parliament to confirm their charters, and had lately offered to lend 700000*l.* to the government, to have the trade to themselves exclusive of all others. As to their offering afterwards to raise two millions, it was answered, that they made no such offer with an intention that it should take effect, but only as an amusement to gain time, and so to baffle the bill; for when they agreed to submit their stock to the valuation of 50*l. per cent.* they knew very well, that others did not value it at any thing near so much: And as to their subscribing 200000*l.* subject to make good the subsequent payments of the two millions, that it was only to obtain what they had been so long aiming at, *viz.* An act of Parliament exclusive of the sum of 200000*l.* whereby the King would be defeated of a much more considerable loan; others delivering us subscriptions for about 1200000*l.* And finally, that the old company heretofore thought it an advantage to admit foreigners into their trade, and that many were actually now in the present company, tho' they were pleased to argue against it. The Lords weighed the reasons on both sides, and chiefly considered that the old company's proposal to lend the two millions, was like to prove ineffectual, by reason that some of their principal members were known to have no great affection for the present government; so that upon mature deliberation, their Lordships gave their concurrence to the bill, which on *July 5th* received the royal assent.

The bill being passed, the Commissioners appointed by his Majesty for taking subscriptions toward the raising of two millions, and for settling a new *East-India* company, laid open their books at *Mercers-hall*, on *Thursday* the 14th of *July*, 1698.

And

And such was the zeal which people of all ranks, and even foreigners, shewed on this occasion to assist the government, and promote the trade of the nation, that on the *Saturday* following, the whole sum, and something above it was subscribed. Nay its very probable that two millions more had been subscribed, had not the books been shut up before the distant corporations, private men in remote countries, and merchants beyond sea could remit their commissions for the great sums they intended to subscribe. The dispatch of so great a work in less than three days time, after the nation had born so chargeable a war for so many years, surprized and amazed all the world: And as it greatly mortified all those who were joyfully assured that his Majesty would be disappointed of this supply, so it gave our neighbouring nations an astonishing image, both of the opulence of *England*, and the strength of the government. This transaction viewed in all its circumstances, is indeed so very strange and wonderful, that the like is not to be found in story, and 'twill be a hard matter for posterity to believe it. This was owing to the wisdom of this Parliament, who had so much skill in touching the springs of the people's affections, that notwithstanding all the losses they had sustained, and all the expence they had been at, they were prevailed with to advance this great supply with such incredible expedition. And by this means, the Parliament, only by doubling the duty on paper and parchment used in proceedings at law, and that on salt, raised a supply of two millions; which to have done by any other ways was at that time a matter of the highest difficulty. Now for the making up of the King's revenue, the Commons resolved, on *May 28th*. *That of the hereditary and temporary excise, post-office, small branches of the new subsidies of tunnage and poundage, continued to the first day of February, 1699, seven hundred thousand pounds be granted to his Majesty during*

ing his life; and that whatsoever the said revenues should exceed seven hundred thousand pound yearly, should be appropriated to such uses as should be directed by Parliament. And because the glass-makers and tobacco pipe-makers did justly complain, of the grievous taxes that had been laid on their manufactures, the Commons resolved, on *January* the 25th, to take off half the duties now upon glass-wares, and the whole duties upon stone and earthen-wares, and tobacco-pipes; and to grant to his Majesty an equivalent, by laying a further duty upon whalebone and *Scotch* linen imported. As for the act for applying the fourth part of the forfeited estates to the use of the publick, so many people petitioned against it, that no progress was made in it.

The Commons of-
fended with
Molyneux's
case of Ire-
land.

One of the most remarkable things in this session of Parliament, was a complaint which was made to the Commons, *May* 21st. of a printed book entitled, *The case of Ireland being bound by acts of Parliament in England*, (written by *William Molyneux* of *Dublin*, Esq;) which denied the dependence of *Ireland* upon the authority of the Parliament of *England*. A Committee was thereupon appointed, to examine further into the said pamphlet, to enquire into the author of it; and also to search what proceedings had been in *Ireland*, that might occasion the said book; and an address to the King voted, that his Majesty would give directions for the discovery and punishment of the author. A month after, upon the report of the Committee, it was unanimously resolved, ‘ That the said book was of dan-
‘ gerous consequence to the crown and people of
‘ *England*, by denying the authority of the King
‘ and Parliament of *England*, to bind the king-
‘ dom and people of *Ireland*, and the subordination
‘ and dependence that *Ireland* has, and ought to
‘ have upon *England*, as being united and annexed
‘ to the imperial crown of this realm; and that a
‘ bill

‘ bill entituled, *An act for the better security of his*
‘ *Majesty’s person and government*, transmitted under
‘ the great seal of *Ireland*; whereby an act of Par-
‘ liament made in *England*, was pretended to be re-
‘ enacted, alterations therein made, and divers
‘ things enacted also, pretending to oblige the courts
‘ of justice, and the great seal of *England*, by the
‘ authority of an *Irish* Parliament; had given occa-
‘ sion and encouragement, to the forming and pub-
‘ lishing the dangerous positions contained in the
‘ said book.’

Four days after, the Commons in a body pre-
sented an address to the King: Wherein they laid
before his Majesty, the dangerous attempts that had
been of late made by some of his subjects of *Ire-*
land, to shake off their subjection to, and depen-
dence on this kingdom; which had manifestly ap-
peared to the Commons, not only by the bold and
pernicious assertions in a book published and dedi-
cated to his Majesty, entituled, *The case of Ireland*
being bound by acts of Parliament in England stated;
But more fully and authentically by the votes and
proceedings of the house of Commons in *Ireland*,
in their late sessions; and whereby the foremention-
ed bill sent hither under the great seal of *Ireland*,
whereby they would have an act passed in the Par-
liament of *England*, expressly binding *Ireland*, to
be re-enacted there, and alterations therein made;
some of which amounted to a repeal of what is re-
quired by the said act made in *England*; and in
others of the said alterations, pretending to give au-
thority to, and oblige the courts of justice and great
seal here in *England*. That this they could not but
look on as an occasion and encouragement, in the
forming and publishing the dangerous positions con-
tained in the said book. That the consequence of
such positions and proceedings, would be so fatal to
this kingdom, and even to *Ireland* itself, that they
needed not to be enlarged on, or aggravated.

Therefore they rested satisfied that his Majesty by his royal prudence, would prevent their being drawn into example; so they assured his Majesty of their ready concurrence and assistance, in a parliamentary way, to preserve and maintain the dependence and subordination of *Ireland* to the imperial crown of this realm. And they humbly besought his Majesty, that he would give effectual orders, to prevent any thing of the like nature for the future, and the pernicious consequences of what was passed, by punishing and discountenancing those that had been guilty thereof: That he would take all necessary care, that the laws which direct and restrain the Parliament of *Ireland*, in their actings, be not evaded, but strictly observed; and that he would discourage all things which might in any degree lessen the dependence of *Ireland* upon *England*. To this his Majesty's answer was, *That he would take care that what was complained of, might be prevented and redressed as the Commons desired.*

On the 5th of *July*, his Majesty came to the house of Peers and gave the royal assent to several bills, and afterwards made his speech to both houses.

My Lords and Gentlemen,

I cannot take leave of so good a Parliament, without publicly acknowledging the sense I have of the great things you have done for my safety and honour, and for the support and welfare of my people.

Every one of your sessions hath made good this character. That happy uniting of us in an association for our mutual defence; the remedying the corruption of the coin, which had been so long growing upon the nation; the restoring of credit; the giving supplies in such a manner for carrying on the war, as did by God's blessing produce an honourable peace; and after that, the making such provisions

provisions for our common security, and towards satisfying the debts contracted in so long a war, with as little burthen to the kingdom as is possible, are such things as will give a lasting reputation to this Parliament, and will be a subject of emulation to those which shall come after.

Besides all this, I think myself personally obliged to return my thanks to you, Gentlemen of the house of Commons, for the regard you have had to my honour, by the establishing of my revenue.

My Lords and Gentlemen,

There is nothing I value so much as the esteem and love of my people; and as for their sakes I avoided no hazards during the war, so my whole study and care shall be, to improve and continue to them the advantages and blessings of peace.

And I earnestly desire you all, in your several stations, to be vigilant in preserving peace and good order, and in a due and regular execution of the laws, especially those against prophaneness and irreligion.

And then the Lord Chancellor, by his Majesty's command, prorogued the Parliament until *Tuesday* the second day of *August* next, which was soon afterwards dissolved.

On *Tuesday December* 6th, a new Parliament met at *Westminster*; and his Majesty coming to the house of Peers with usual solemnity, sent for the Commons, to whom the Lord Chancellor signified his Majesty's pleasure, that they should proceed to the choice of a Speaker, and present him on *Friday* next. The Commons made choice of Sir *Thomas Littleton*, Bart. who being presented on *December* 9th was graciously approved by his Majesty, who then made this speech to both houses.

New Parliament meets.

King's
speech.

My Lords and Gentlemen,

I have no doubt but you are met together with hearts fully disposed, to do what is necessary for the safety, honour and happiness of the kingdom; and that is all I have to ask of you.

In order to this, two things seem principally to require your consideration.

The one is, what strength ought to be maintained at sea, and what force kept up at land for this year. All I shall observe to you upon this head is, that the flourishing of trade, the supporting of credit, and the quiet of peoples minds at home, will depend upon the opinion they have of their security; and to preserve to *England* the weight and influence it has at present on the councils and affairs abroad, it will be requisite *Europe* should see you will not be wanting to your selves.

The second thing I shall mention to you as of great consequence, is the making some further progress toward discharging the debts, which the nation has contracted by reason of the long and expensive war. In this the publick interest as well as justice is concerned; and, I think, an *English* Parliament can never make such a mistake, as not to hold sacred all parliamentary engagements.

Gentlemen of the house of Commons,

I do earnestly recommend these things to you, that you may provide such supplies as you shall judge necessary for these several occasions.

My Lords and Gentlemen,

I think it would be happy, if some effectual expedient could be found for employing the poor, which might tend to the increase of our manufactures, as well as remove a heavy burthen from the people. I hope also you will employ your thoughts about some good bills for the advancement of trade, and

for the further discouraging of vice and prophane-
ness. The things I have mentioned to you being of
common concern.

It appeared by this speech, that his Majesty was
very desirous to have a good body of land forces
kept on foot, as well as a good navy maintained at
sea; being apprehensive that if *England* was entirely
disarmed, it would be too great a temptation to the
ambition of *France*, to break through all treaties and
engagements, in order to invade the monarchy of
Spain. Had the late partition treaty been commu-
nicated to the Commons, they would perhaps at that
time have approved of it, or at least have been so
far under the same apprehensions with his Majesty,
as to see the necessity, of keeping and awing *France*
within the bounds set her by the peace of *Ryswick*.
But the *French* King having now evacuated most of
the towns he was to surrender, the accounts from
Madrid giving great hopes of the King of *Spain's*
recovery, and all things having a fair aspect abroad,
the Commons fell in with the popular notion, that a
standing army in the time of peace was useless and
burthensome, would be an ill example to posterity,
and might encourage a bad Prince to encroach upon
the liberties of the subject. This cry was artfully
improved, by those members who were disaffected
to King *William*, and was carried on by some of
the greatest instruments of the revolution, who hav-
ing, contrary to their expectations, got nothing
from the court, were now in anger to turn against
it; that they might hereafter be bought off, when
they could not be before rewarded. Under this
disposition of the house of Commons, when they
came to a consideration of his Majesty's speech, they
resolved, *That all the land forces of England, in*
English pay, exceeding seven thousand men (and those
consisting of his Majesty's natural born subjects) be
forthwith paid and disbanded. And that all the forces

The Com-
mons for
disbanding
the army.

in

in Ireland, exceeding twelve thousand men (and those his Majesty's natural born subjects, to be kept and maintained by the kingdom of Ireland) be likewise forthwith disbanded. And they ordered a bill to be brought in upon the said resolutions, which was eagerly pushed on, and soon brought to perfection, because the good and ill designs concentrated in it.

These proceedings made the King very uneasy; and the more so, because his *Dutch* regiment of guards, who had so long served him, was by this bill to be torn away from him, and to be sent out of the Kingdom. However, His Majesty like a wise and good Prince, never opposing his own wit, to what seemed to be the voice and judgment of his people, chose rather to compliment the Commons, than to contend with them. So on *Wednesday Feb. the 1st*, the King came to the Parliament, and gave the royal assent to several bills.

1699.

After which his Majesty made a kind and wise speech, to shew his reasons for passing the disbanding bill, and yet to expostulate a little upon the hardship of it.

My Lords and Gentlemen,

King's
speech.

I came to pass the bill for disbanding the army, as soon as I understood it was ready for me: Though in our present circumstances there appears great hazard in breaking such a number of the troops: And though I might think my self unkindly used, that those guards who came over with me to your assistance, and have constantly attended me in all the actions wherein I have been engaged, should be removed from me; yet it is my fixed opinion, that nothing can be so fatal to us, as that any distrust or jealousy should arise between me and my people, which I must own would have been very unexpected, after what I have undertaken, ventured,

ed, and acted for the restoring and securing of their liberties.

I have thus plainly told you the only reason which has induced me to pass this bill: And now I think my self obliged, in discharge of the trust reposed in me, and for my own justification, that no ill consequences may lie at my door, to tell you as plainly my judgment, that the nation is left too much exposed.

It is therefore incumbent on you to take this matter into your serious consideration, and effectually to provide such a strength as is necessary for the safety of the kingdom, and the preservation of the peace which God had given us.

The Commons were so well pleased with this gracious complaisance of the King, that they immediately resolved that an humble address be presented to the King, to give his Majesty thanks for his most gracious speech to both houses of Parliament; with the assurances of this house, That they will stand by, and assist his Majesty in the support of him and his government, against all enemies whatsoever. And they accordingly put their resolution into this form of address.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, being highly sensible of the difficulties your Majesty has undertaken, the labours you have sustained, and the hazards you have run, in rescuing us from popery and arbitrary power, restoring our liberties, and giving peace and quiet to all *Christendom*; beg leave to return our most hearty thanks, for your most gracious speech: In which you express so great a regard for the good will and affections of your people, and have given so undeniable a proof of your readiness to comply with the desires of your Parliament; and as your Majesty has shewn a most

Commons
Address of
thanks.

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this occasion.*

1699.

The Lords had made an address on January the 3d, wherein they represent *their being highly sensible of his Majesty's great care and goodness towards his people, expressed upon so many occasions, and particularly in his speech to both houses, at the opening of this Parliament; begged leave, by way of address, humbly to assure his Majesty, that as they should always retain a lively impression of those great and continued obligations, which his Majesty had laid upon this nation to all posterity; so it should be, upon every occasion, the perpetual care and study of that house, with the most zealous duty, and the most grateful affections imaginable, to make his Majesty all suitable returns within their power. And at this time particularly, they further assured his Majesty, That they should not fail to use their most diligent endeavours, for the attaining of those great and good ends, which his Majesty had been pleased to recommend to his Parliament.* The King told the Lords, That he took their address very kindly, and gave them his hearty thanks; and that they might always depend upon his kindness, as he did on this assurance of

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The King thanked the Lords for their
and finding that both houses concurred in the
opinion, as to the disbanding of the army, His
Majesty gave effectual orders for reducing it, accord-
ing to the late act, to the number of seven thousand
men, to be maintained in *England*, under the name
of guards and garrisons: But by reason that cavalry
is more serviceable upon any sudden exigency, than
infantry, his Majesty took care to preserve more
regiments of the first than of the last: I mean,
in respect to the usual proportion, which is observed
between the number of horse and foot of an army.

This great reform cost the King many a heavy
and melancholy thought: But what touched his Ma-
jesty to the very quick, was the necessity he was un-
der, of sending away his *Dutch* guards: A regi-
ment, who had faithfully attended his person from
his cradle; followed his fortune every where; and
to whom, besides innumerable other signal services,
he owed his victory at the famous battle of the
Boyne. With these his Majesty had the utmost, and
indeed, the justest regret to part: And therefore
upon the 18th of *March*, he sent a message by the
Lord *Ranelagh* to the Commons, not only signed
by his Majesty, but all of his own hand writing.

William

tender and fatherly concern, for the security and safety of your people; so give us leave to assure your Majesty, That you shall never have reason to think the Commons are undutiful, or unkind to your Majesty; but that we will upon all occasions stand by, and assist your Majesty in the preservation of your sacred person, and support of your government against all your enemies whatsoever.

This address being presented by the whole house, had the honour to be thus answered by the King.

Gentlemen,

I Take this address very kindly: I am fully satisfied of your duty and affection to me, and have no doubt but you will always act in the manner you have expressed on this occasion.

The Lords.
Address.

The Lords had made an address on January the 3d, wherein they represent *their being highly sensible of his Majesty's great care and goodness towards his people, expressed upon so many occasions, and particularly in his speech to both houses, at the opening of this Parliament; begged leave, by way of address, humbly to assure his Majesty, that as they should always retain a lively impression of those great and continued obligations, which his Majesty had laid upon this nation to all posterity; so it should be, upon every occasion, the perpetual care and study of that house, with the most zealous duty, and the most grateful affections imaginable, to make his Majesty all suitable returns within their power. And at this time particularly, they further assured his Majesty, That they should not fail to use their most diligent endeavours, for the attaining of those great and good ends, which his Majesty had been pleased to recommend to his Parliament.* The King told the Lords, That he took their address very kindly, and gave them his hearty thanks; and that they might always depend upon his kindness, as he did on this assurance

of

of theirs to him, and their zeal for the publick good. And now upon his Majesty's signing the act for disbanding the army, the Lords presented their most hearty thanks to his Majesty for it, and for the gracious expressions in his speech; *That it was his Majesty's fixed opinion, that nothing could be so fatal to them, as that any distrust or jealousy should arise between his Majesty and his people.* As likewise for his great care and concern for the safety of the kingdom, upon all occasions; assuring his Majesty, that at all times, for the safety of the kingdom, and the preservation of the peace which God had given them, they would assist and defend his Majesty against all his enemies, both at home and abroad.

The King thanked the Lords for their address; and finding that both houses concurred in the same opinion, as to the disbanding of the army, His Majesty gave effectual orders for reducing it, according to the late act, to the number of seven thousand men, to be maintained in *England*, under the name of guards and garrisons: But by reason that cavalry is more serviceable upon any sudden exigency, than infantry, his Majesty took care to preserve more regiments of the first than of the last: I mean, in respect to the usual proportion, which is observed between the number of horse and foot of an army.

This great reform cost the King many a heavy and melancholy thought: But what touched his Majesty to the very quick, was the necessity he was under, of sending away his *Dutch* guards: A regiment, who had faithfully attended his person from his cradle; followed his fortune every where; and to whom, besides innumerable other signal services, he owed his victory at the famous battle of the *Boyne*. With these his Majesty had the utmost, and indeed, the justest regret to part: And therefore upon the 18th of *March*, he sent a message by the Lord *Ranelagh* to the Commons, not only signed by his Majesty, but all of his own hand writing.

William

The army
disbanded.

William R.

The King's
message to
the Com-
mons.

‘ His Majesty is pleased to let the house know,
‘ that the necessary preparations are made for trans-
‘ porting the guards who came with him into *Eng-*
‘ *land*; and that he intends to send them away im-
‘ mediately, unless out of consideration to him, the
‘ house be disposed to find a way for continuing them
‘ longer in his service, which his Majesty would take
‘ very kindly.’

Upon reading this message, the question was put,
‘ That a day be appointed to consider of his Majesty’s
‘ said message,’ but it was carried in the negative,
and resolved, ‘ That a Committee be appointed to
‘ draw up an humble address, to be presented to his
‘ Majesty, representing the reasons why the house
‘ cannot comply with the purport of his Majesty’s
‘ message this day communicated to the house.’ And
this address was accordingly prepared, and deliver-
ed on *March* 24th.

Most gracious Sovereign,

The An-
swer.

‘ **W**E your Majesty’s most dutiful and loyal
‘ subjects, the Commons in this present Par-
‘ liament assembled, do, with unfeigned zeal to your
‘ Majesty’s person and government, (which God
‘ long preserve) most humbly represent to your Ma-
‘ jesty,

‘ That the passing the late act for disbanding the
‘ army, gave great satisfaction to your subjects; and
‘ the readiness your Majesty has expressed by your
‘ message, to comply with the punctual execution
‘ thereof, will prevent all occasions of distrust or
‘ jealousy between your Majesty and your people.

‘ It is, Sir, to your loyal Commons an unspeak-
‘ able grief, that your Majesty should be advised to
‘ propose any thing in your message, to which they
‘ cannot consent, with due regard to that constitu-
‘ tion your Majesty came over to restore, and have

‘ so

‘ so often exposed your royal person to preserve,
‘ and did in your gracious declaration promise, that
‘ all those foreign forces which came over with you,
‘ should be sent back.

‘ In duty therefore to your Majesty, and to discharge the trust reposed in us, we crave leave to lay before you ; that nothing conduceth more to the happiness and welfare of this kingdom, than an entire confidence between your Majesty and your people ; which can no way be so firmly established, as by intrusting your sacred person with your own subjects, who have so eminently signalized themselves on all occasions, during the late long and expensive war.*

The King could not be pleased with this address, which was a denial of what he himself, and most of the world, did believe to be a reasonable and modest request of a king to his people. However to disappoint some enemies, and if possible, to reconcile others, His Majesty gave this gracious answer.

Gentlemen,

I Came hither to restore the antient constitution of this government. I have had all possible regard to it since my coming, and I am resolved through the course of my reign, to endeavour to preserve it entire in all the parts of it.

I have a full confidence in the affections of my people, and I am well assured, they have the same in me ; and I will never give them just cause to alter this opinion.

As to my subjects who served during the war, I am an eye-witness of their bravery, and of their zeal for my person and government ; and I have not been wanting to express my sense of this to my Parliament as well as upon other occasions.

I have all the reason to trust and to rely upon them, that a prince can have ; and I am satisfied, there

there is not one person among them capable of entertaining a thought, that what was proposed in my message, proceeded from any distrust of them.

It shall be my study to the utmost of my power, to perform the part of a just and a good King : And as I will ever be strictly and nicely careful of observing my promise to my subjects, so I will not doubt of their tender regards to me.

This answer, though it could not but please, yet it would not move the Commons from their resolutions ; so that the *Dutch* guards, were soon after shipped off for *Holland* : Which, though it seemed to weaken his Majesty in his military defence and safety, yet it strengthened his interest in the hearts of all good subjects, who saw now in an extraordinary instance, that the King could deny himself any thing to oblige his people.

There was nothing else remarkable in this session. On the fourth of *May*, his Majesty prorogued the Parliament till the first of *June* 1699.

Parliament
meets.

The Parliament met at *Westminster* on *Thursday* the 16th of *November*, and his Majesty with the usual solemnity made this speech to both houses.

King's
Speech.

My Lords and Gentlemen,

I Hope you will not think I have called you out of your countries too soon, if you consider, that our common security requires a farther provision should be made, for the safety of the kingdom by sea and land, before we are at the end of what was granted for that purpose last session. And when you enter upon this business, I believe you will think it necessary to take care of the repairs of the ships and of the fortifications ; without which our fleet cannot be safe when it is in harbour.

I cannot omit to put you in mind of another matter, in which so great a number of my subjects is concerned

concerned, and wherein the honour of the kingdom, and the faith of Parliaments is so far engaged, that our future security seems to depend upon it; I mean, the making good deficiencies of the funds, and the discharging the debts contracted by reason of the war.

And till we may be so happy as to see the publick debts paid, I shall hope that no session will end, without something done towards lessening them. While I am speaking to you on this head, I think my self obliged to mention with a particular concern, a debt which is owing to the Prince of *Denmark*, the state whereof I have ordered to be laid before you.

Gentlemen of the house of Commons,

These things are of such importance, that I must earnestly recommend them to your consideration, and desire you to provide the necessary supplies.

My Lords and Gentlemen,

There is nothing I could more rejoice in, than that I were not under the necessity of so often asking aids of my people; but as the reason of it is evident, because the funds formerly applied to defray the publick expence, are now anticipated for payment of the debts of the kingdom; so it is my satisfaction, that you all see that nothing of what is demanded, is for any personal use of mine: And I do faithfully assure you, that no part of what is given, shall be diverted from any purpose for which it is designed.

I believe the nation is already sensible of the good effects of peace, by the manifest increase of trade, which I shall make it my business to encourage by all means in my power; probably it might receive an advantage, if some good bill were prepared, for the more effectual preventing and punishing unlawful and clandestine trading, which does not only

tend to defraud the publick, but prejudice the fair merchant, and discourage our own manufactures.

The increase of the poor is become a burthen to the kingdom, and their loose and idle life, does in some measure contribute to that depravation of manners, which is complained of (I fear with too much reason.) Whether the ground of this evil be from defects in the laws already made, or in the execution of them, deserves your consideration. As it is an indispensible duty, that the poor, who are not able to help themselves, should be maintained, so I cannot but think it extremely desirable, that such as are able and willing, should not want employment; and such as are obstinate and unwilling, should be compelled to labour.

My Lords and Gentlemen,

I have a full assurance of the good affections of my people, which I shall endeavour to preserve by a constant care of their just rights and liberties; by maintaining the established religion, by seeing the course of justice kept steady and equal, by countenancing virtue and discouraging vice, and by declining no difficulties or dangers, where their welfare and prosperity may be concerned. These are my resolutions; and I am persuaded that you are come together with purposes on your part suitable to those on mine. Since then our aims are only for the general good, let us act with confidence in one another; which will not fail, by God's blessing, to make me a happy King, and you a great and flourishing people.

This excellent speech seemed to relish of the dissatisfaction which the King had expressed upon the proceedings of the Commons, when he last parted with them. But those gentle intimations of displeasure served to irritate, rather than to mitigate a great number of persons, who did not love to seem to be accused, nor so much as suspected, whatever occasions

occasions might be given for it: And therefore the Commons, upon a consideration of his Majesty's speech, agreed to offer this humble address to the King.

Most Gracious Sovereign,

‘ **W**E your Majesty's most dutiful and loyal
 ‘ subjects, the Commons in Parliament as-
 ‘ sembled, being highly sensible, that nothing is
 ‘ more necessary for the peace and welfare of this
 ‘ kingdom, the quieting the minds of your people,
 ‘ and disappointing the designs of your enemies,
 ‘ than a mutual and entire confidence between your
 ‘ Majesty and your Parliament, do esteem it our
 ‘ greatest misfortune, that after having so amply
 ‘ provided for the security of your Majesty and
 ‘ your government, both by sea and land, any jealousy
 ‘ or distrust hath been raised, of our duty and affec-
 ‘ tions to your sacred Majesty and your people;
 ‘ and beg leave humbly to represent to your Ma-
 ‘ jesty, that it will greatly conduce to the continu-
 ‘ ing, and establishing an entire confidence between
 ‘ your Majesty and your Parliament, that you
 ‘ would be pleased to shew marks of your high
 ‘ displeasure towards all such persons who have, or
 ‘ shall presume to misrepresent their proceedings to
 ‘ your Majesty.

The Com-
mons ad-
dress.

‘ And your Commons (having likewise a due
 ‘ sense of the great care and concern, your Majesty
 ‘ has always expressed, for preserving and maintain-
 ‘ ing the religion, rights, and liberties of your peo-
 ‘ ple, in defence of which your Majesty hath so
 ‘ often exposed your royal person) will use their
 ‘ utmost care and endeavours, to prevent and dis-
 ‘ courage all false rumours and reports, reflecting
 ‘ upon your Majesty and your government, where-
 ‘ by to create any misunderstandings between you
 ‘ and your subjects.’

The King was so far from expostulating upon the sense of this address, that he wisely seemed to take it on the softer side, and expressed his thanks for it in a singular air of lenity and good nature.

Gentlemen,

King's wife
answer.

MY Parliament have done so great things for me, and I have upon all proper occasions expressed so great a sense of their kindness, and my opinion has been so often declared, that the happiness of an *English* King depends upon an entire good correspondence between him and his Parliament, that it cannot seem strange for me to assure you, that no persons have ever yet dared to go about to misrepresent to me the proceedings of either houses. Had I found any such, they would have immediately felt the highest marks of my displeasure. It is a justice I owe not only to my Parliaments, but to every one of my subjects, to judge of them by their actions: And this rule I will steadily pursue. If any shall hereafter attempt to put me on other methods, by calumnies or misrepresentations, they will not only fail of success, but shall be looked upon, and treated by me as my worst enemies.

Gentlemen,

I am pleased to see by your address, that you have the same thoughts of the great advantages which will ensue to the kingdom, from our mutual confidence, as I expressed to both houses at the opening of the session. I take very kindly the assurance you give me, of using your utmost care and endeavour, to prevent and discourage all false rumours and reports reflecting upon me and my government: And I faithfully promise you, that no actions of mine shall give a just ground for any misunderstanding between me and my people.

The

The Commons in the last session of Parliament, had appointed seven Commissioners for taking an account of the forfeited estates in *Ireland*; the Earl of *Drogheda*, *Francis Annesley*, Esq; *John Trenchard*, Esq; *James Hamilton*, Esq; *Henry Longford*, Esq; *Sir Richard Leving*, and *Sir Francis Brewster*; who having executed their commission with great application and fidelity, they framed a report which was presented to the Commons by *Mr. Annesley*, and wherein they set forth.

Commis-
sioners for
forfeited
estates in
Ireland.

That they met with great difficulties in their enquiry, which were occasioned chiefly, by the backwardness of the people of *Ireland* to give any information, out of fear of the grantees, whose displeasure in that kingdom was not easily born; and by reports industriously spread and believed, that their enquiry would come to nothing. Nevertheless, it appeared to them, that the persons outlawed in *England*, since the 13th of *February*, 1688. on account of the late rebellion, amounted in number to fifty seven, and in *Ireland* to three thousand nine hundred twenty one. That all the lands in the several counties in *Ireland* belonging to the forfeited persons, as far as they could reckon, made 1060792 acres, worth *per annum* 211623 *l.* which by computation of six years purchase for a life, and thirteen years for the inheritance, came to the full value of 2685138 *l.* That some of those lands had been restored to the old proprietors, by virtue of the articles of *Limrick* and *Galloway*, and by his Majesty's favour, and by reversal of out-lawries, and royal pardons, obtained chiefly by gratifications to such persons as had abused his Majesty's royal bounty and compassion. Beside these restitutions, which they thought to be corruptly procured, they gave an account of seventy six grants and custodiams, under the great seal of *Ireland*; as to the Lord *Romney*, three grants now in being, containing

49517 acres; to the Earl of *Albemarle* in two grants 108633 acres, in possession and reversion; to *William Bentinck*, Esq; Lord *Woodstock*, 135820 acres of land; to the Earl of *Atblone* two grants containing 26480 acres; to the Earl of *Galloway* one grant of 36148 acres, &c. wherein they observed, that the estates so mentioned did not yield so much to the grantees as they were here valued at; because as most of them had abused his Majesty in the real value of their estates, so their agents had imposed on them, and had either sold or let the greatest part of those lands at an under value. But after all deductions and allowances there yet remained 1699343 *l.* 14 *s.* which they lay before the Commons as the gross value of the estates since the 13th day of *February*, and not restored; besides a grant under the great seal of *Ireland*, dated the 13th day of *May*, 1695. passed to Mrs *Elizabeth Villiers*, now Countess of *Orkney*, of all the private estates of the late King *James*, (except some small part in grant to the Lord *Atblone*) containing 95649 acres, worth *per annum* 25995 *l.* 18 *s.* value, total 331943 *l.* 9 *s.* concluding, that there was payable out of this estate, two thousand pounds *per annum* to the Lady *Susanna Bellasis*, and also one thousand pounds *per annum* to Mrs. *Godfrey* for their lives; and that almost all the old leases determined in *May* 1701. and then this estate would answer the value above-mentioned. — signed *Francis Annesley*, *John Trenchard*, *James Hamilton*, and *Henry Langford*.

Bill for forfeited estates in *Ireland*.

The Commons having presented and examined this report, came to an unanimous resolution, 15th of *December*, That a bill be brought in to apply all the forfeited estates and interests in *Ireland*, and all grants thereof, and of the rents and revenues belonging to the crown within that kingdom, since the 13th of *February* 1688. to the use of the publick; and ordered a clause

clause to be inserted in that bill, for *erecting a Judicature for determining claims touching the said forfeited estates*. They likewise resolved, That *they would not receive any petition from any person whatsoever, touching the said grants or forfeited estates; and that they would take into consideration the great services, performed by the Commissioners appointed to enquire into the forfeited estates of Ireland*.

'Tis easy to imagine how ill these proceedings were relished at court; but its hardly to be conceived, how uneasy the King was about the following passage: While the Commissioners appointed by Parliament, were discharging their trust in *Ireland*, Mr. M—— a member of the house of Commons, sent them a letter (of his own private motion) wherein he directed them, *to make a separate article of the Lady Orkney's grants, because that might reflect upon somebody, meaning the King*. Another member having learned the contents of that letter from Mr. M—— and being zealous to vindicate his Majesty's honour, which he thought was struck at in that letter, complained of it to the house. Being pressed to tell his author, he at first excused himself, alledging he was under an obligation, not to reveal what had passed in a private conversation: But the house threatening to send him to the *Tower*, he named the person from whom he had this report; which person, who was also a member of the house, denied flatly, that he had ever mentioned any such thing. Thus the affectionate stickler for his Majesty being left in the lurch, the house on *January* the 15th, resolved, *That the said report was false and scandalous*. And a motion being made, *That the four Commissioners for Irish forfeitures, who signed the report presented to the house, had acquitted themselves in the execution of that commission with understanding and integrity*; a warm debate arose thereupon, which was adjourned to the next day, when the Commons resolved, *That the said Commissioners had acquitted themselves*

selves in the execution of their commission, with understanding, courage, and integrity: That Sir Richard Leving, another of the Commissioners, had been the author of the groundless and scandalous aspersion cast upon the four Commissioners before mentioned; and that the said Sir Richard Leving be committed prisoner to the Tower of London for the said offence. Two days after, the bill for applying the Irish forfeitures to the use of the publick, was read a second time, and committed to a Committee of the whole house. Upon this occasion, the courtiers made a motion, and caused the question to be put, That the said Committee be impowered to receive a clause for reserving a proportion of the forfeited estates in Ireland, to the disposal of his Majesty; which passing in the negative, it was resolved on January the 18th. That the advising, procuring, and passing the said grants of the forfeited and other estates in Ireland, had been the occasion of contracting great debts upon the nation, and levying heavy taxes on the people; that the advising and passing the said grants, was highly reflecting on the King's honour; and that the Officers and instruments concerned in the procuring and passing these grants, had highly failed in the performance of their trust and duty.

Towards the middle of February, the Commons in a grand Committee considered the state of the nation, and a motion being made, and the question put, *That the procuring or obtaining of grants of estates belonging to the crown, by any publick Minister concerned in the directing or passing such grants, to or for their own use or benefit, whilst the nation lay under the heavy taxes of the late war, was highly injurious to his Majesty and prejudicial to the state, and a violation of the trust reposed in them; the court party carried it in the negative; but at the same time, they gave their consent to an order for bringing in a bill, To resume the grants of all lands and revenues of the crown, and all pensions granted by the crown since the 6th of February,*

bruary, 1684. *and for applying the same to the use of the publick;* Which order was however of no effect, by reason it touched many of King *James's* friends. On *February* the 15th, the Commons proceeded to consider further of the state of the nation; and upon a very hot and long debate, it was resolved, *That an address be presented to his Majesty, representing to him the resolutions of this house of the 18th of January last, relating to the grants of the forfeited estates in Ireland.*

On the 21st of *February*, the Commons in a body having waited on the King, with their address of the 15th of that month, in relation to the *Irish* forfeitures, his Majesty told them:

Gentlemen,

I was not led by inclination, but thought myself King's answer to the Commons. obliged in justice, to reward those who had served well, and particulary in the reduction of *Ireland*, out of the estates forfeited to me, by the rebellion there. The long war in which we were engaged, did occasion great taxes, and has left the nation much in debt; and the taking just and effectual ways for lessening that debt, and supporting publick credit, is what, in my opinion, will best contribute to the honour, interest, and safety of this kingdom.

The speaker having five days after reported this answer, the Commons were so provoked by it, that they resolved, *That whosoever advised it, had used his utmost endeavours to create a misunderstanding and jealousy between the King and his people.*

The resumption of the forfeited estates in *Ireland*, Resumption of forfeited estates in Ireland. was an affair of great perplexity to the Commons, and of greater uneasiness to the King and his Ministers. And though there was some just occasion given for it, by the promises of the King, and the expectance of the nation tending that way; and the profuse disposal of them, to persons not so well deserving;

serving; and the great want of money to discharge the publick debts; and the King's declining to accept of some terms of accommodation that were said to be offered: Yet after all the arguments for doing of it, the thing when done would appear to be some indignity put upon the King and his councils; and a very great hardship upon the grantees, and the purchasers and tenants under them; and indeed a confusion and distraction to the whole government in *Ireland*. However the Commons proceeded in this matter, and having considered of the number, qualifications, and manner of chusing the trustees for *the bill of Irish forfeitures*, they resolved on *March 26th*, *That the number of the said trustees be thirteen: That no person be a trustee, who had any office or profit; or was accountable to his Majesty; or was a member of this house. And that the said trustees be chosen by ballotting.* Two days after, the several members of the house having given in lists of thirteen persons names, which were put into glasses, the majority fell upon *Francis Annesley, James Hamilton, John Biggs, John Trenchard, James Isham, Henry Langford, James Hooper, Esqrs; Sir Cyril Wyche, John Cary, Gent. Sir Henry Sheers, Thomas Harrison, Esq; Sir John Worden, William Fellows, and Thomas Rawlins, Esqs;* The two last persons having equal voices, either of them must have been left out; but the house being informed, that *Sir John Worden* was a Baron of the *Exchequer*, in the county palatine of *Chester*, during his life, at a yearly salary from the crown, it was resolved, *That the said Sir John Worden was not capable of being trustee in the said bill; and so the other two stood.*

On the 2d of *April*, the Commons passed the bill, *for granting an aid to his Majesty, by sale of the forfeited and other estates and interests in Ireland; and by a land-tax in England for the several purposes therein mentioned; and sent it to the Lords for their concurrence.*

To justify their proceedings, if not to expose the conduct of the court, the Commons on *April* 8th. ordered the report of the Commissioners for *Irish* forfeitures to be published; and that the resolutions of the 18th of *January* last, the resolution of the 4th of *April* 1690, relating to the forfeited estates; his Majesty's speech to both houses, the 5th of *January*, 1690-1. the address of the house to the King the 5th of *February* last; his Majesty's answer thereunto the 26th of the same *February*, and the resolution of the house thereupon; and lastly, the address of the house of Commons, of the 4th of *March*, 1692-3, and his Majesty's answer thereunto, be also re-printed with the said report. And resolved, *That the procuring or passing exorbitant grants, by any member now of the Privy Council, or by any other that had been a Privy Councillor in this or any former reign, to his use or benefit, was a high crime and misdemeanour.*

On the other hand, the court finding their party extreamly weak in the house of Commons, endeavoured to oppose the passing of the complicated bill in the house of Lords; to which the majority of that illustrious assembly was inclined; some out of complaisance to the King, and most of them because they looked upon the *tacking of one bill to another*, as an innovation in parliamentary proceedings, and such as evidently tended to retrench, if not wholly to take away the share the Peers of *England* ought to have in the legislative authority. But because they could not reject the bill, without leaving the urgent necessities of the state unprovided, their Lordships contented themselves to make great amendments to that part of it that related to forfeitures. The Commons having considered and unanimously disapproved the said amendments, sent to desire a conference with the Lords thereupon; appointed a Committee to draw up reasons to be offered to their Lordships; resolved, *That two days after, they would proceed*

proceed in the further consideration of the report given in by the Commissioners for Irish forfeitures; and ordered a list of his Majesty's Privy-Council to be laid before the house.

Conference
between the
two houses.

On the 9th of *April*, a conference was managed between both houses, in which the Lords did warmly insist on their amendments; and the Commons as vehemently maintained their disagreement with their Lordships. The next day two conferences were had on the same subject, and with as little success; at which the Commons were so exasperated, that they ordered the lobby of their house to be cleared of all strangers; the back-doors of the Speaker's chamber to be locked up; and that the Sergeant should stand at the door of the house, and suffer no members to go forth, and then proceeded to take into consideration the report of the *Irish* forfeitures, and the list of the Lords of the Privy-Council.

The King
desires the
Lords to
comply.

The King being informed of the high ferment the Commons were in, and apprehending the consequences, sent a private message (by the Earl of *Albemarle*) to the Lords, to pass the bill without amendments; which their Lordships did accordingly, and acquainted the Commons with it.

This condescension did not wholly appease the Commons, who pursuing their resentment against the present ministry, put the question, *That an address be made to his Majesty, to remove John Lord Somers, Lord Chancellor of England from his presence and councils for ever*, which though it was carried in the negative, by reason of the acknowledged merit and great services of that Peer, yet it was resolved, *That an Address be made to his Majesty, that no person, who was not a native of his dominions, except his royal highness Prince George of Denmark, be admitted to his Majesty's Councils in England or Ireland.*

The King did not think it proper to receive any such Address, and therefore to prevent the offer of it, his Majesty came the day following, viz. *Thursday, April 11.* to the house of Peers, and after passing a great number of bills, commanded the Earl of *Bridgwater* to prorogue the Parliament to the 23d of *May*. It was afterwards dissolved on the 19th of *December*; and a new Parliament called to begin at *Westminster, Feb. 6th.*

The new Parliament according to the writs of 1700. summons, met at *Westminster* on *Feb. 6th*, and was prorogued to *Monday, Feb. 10th.* when the King came to the house of Peers, and sending for the Commons, signified to them by the Lord Keeper, That they should forthwith proceed to the choice of a fit person to be their Speaker, and present him to his Majesty. The next day the Commons returning to their house, made choice of *Robert Harley, Esq;* who was the next day presented and approved by the King; after which, His Majesty made this speech to both houses.

My Lords and Gentlemen,

OUR great misfortune in the loss of the Duke of *Gloucester*, hath made it absolutely necessary, that there should be a further provision for the succession to the crown in the protestant line, after me and the Princess. The happiness of the nation, and the security of our religion, which is our chiefest concern, seems so much to depend upon this, that I cannot doubt but it will meet with a general concurrence: And I earnestly recommend it to your early and effectual consideration.

King's
Speech.

The Death of the late King of *Spain*, with the declaration of his successor to that monarchy, has made so great an alteration in the affairs abroad, that I must desire you very maturely to consider their present state; and I make no doubt but your resolutions

lutions thereupon will be such, as shall be most conducing to the interest and safety of *England*, the preservation of the protestant religion in general, and the peace of all *Europe*.

These things are of such weight, that I have thought them most proper for the consideration of a new Parliament, to have the more immediate sense of the kingdom in so great a conjuncture.

I must desire of you *Gentlemen of the house of Commons*, such supplies as you shall judge necessary for the service of the current year; and I must particularly put you in mind of the deficiencies and publick debts occasioned by the late war, that are yet unprovided for.

I am obliged further to recommend to you, that you would inspect the condition of the fleet, and consider what repairs or augmentations may be requisite for the navy, which is the great bulwark of the *English* nation, and ought at this conjuncture most especially to be put into a good condition; and that you would also consider, what is proper for the better security of those places where the ships are laid up in winter.

The regulation and improvement of our trade, is of so publick concern, that I hope it will ever have your serious thoughts; and if you can find proper means of setting the poor at work, you will ease your selves of a very great burthen; and at the same time add so many useful hands to be employed in our manufactures, and other publick occasions.

My Lords and Gentlemen,

I hope there will be such an agreement and vigour in the resolutions you shall take, upon the important matters now before you, as may make it appear, we are firmly united among our selves; and in my opinion nothing can contribute more to our safety at home, or to our being considerable abroad.

The Commons spent the two succeeding days in qualifying themselves; and on the 13th began with the business of bribery in elections, which was a matter of long debates and censures. On the 14th, upon reading his Majesty's speech, they came to this Resolution; 'That they would stand by and support his Majesty and his government, and take such effectual measures as may best conduce to the interest and safety of *England*, the preservation of the protestant religion, and the peace of *Europe*.' This resolution was presented to his Majesty by the whole house, on *February* the 17th, and the King gave them this gracious answer.

The Commons address

I Thank you for this address, and your ready concurrence to those great ends therein mentioned, which I take to be extremely important to the honour and safety of *England*; and I assure you, I shall never propose any thing but what is for our common advantage and security. Having this occasion, I think it proper to acquaint you, that yesterday I received a Memorial from the envoy extraordinary of the States General, a translation whereof I leave with you: As to the first part of it, I think it necessary to ask your advice, as to the latter part I desire your assistance.

King's answer

Upon a report of this answer, the Commons immediately resolved, 'That an humble address be made to his Majesty, by such Members as are of the privy Council, that he will please to cause the treaty between *England* and the States General of the third of *March*, 1677, and all the renewals thereof since that time, to be laid before the house.' Which his Majesty commanded to be done by Mr. secretary *Hedges*. And the house was so well satisfied, that on *February* the 20th they resolved, 'That an humble address be made to his Majesty, that he

Opening of a war with France.

Second address.

will

‘ will please to enter into such negotiations, in
 ‘ concert with the States General of the united pro-
 ‘ vinces, and other potentates, as may most effectual-
 ‘ ly conduce to the mutual safety of these kingdoms,
 ‘ and the States General, and the preservation of the
 ‘ peace of *Europe*; and giving him assurances of
 ‘ support and assistances, in performance of the treaty
 ‘ made with the States General, the third of *March*,
 ‘ 1677.’ This address was presented by the whole
 house on *Friday* the 21st of *February*. And his
 Majesty gave this acceptable answer.

Gentlemen,

King's
answer.

‘ I Thank you heartily for the advice you have given
 ‘ me, and your unanimous resolution to support
 ‘ and assist me, in making good the treaty mention-
 ‘ ed in your address; and I will immediately order
 ‘ my ministers abroad, to enter into negotiations in
 ‘ concert with the States General, and other poten-
 ‘ tates, for the attaining those great ends which you
 ‘ desire. Nothing can more effectually conduce to
 ‘ our security, than the unanimity and vigor you
 ‘ have shewed on this occasion: And I shall always
 ‘ endeavour on my part, to preserve and increase this
 ‘ mutual trust and confidence between us.’

Address of
the Lords.

The house of Lords also addressed the King,
 ‘ wherein they declared their thankful acknowledge-
 ‘ ments to him for the concern he had expressed in
 ‘ his speech, for the protestant religion; and his
 ‘ care for its future preservation, by recommending
 ‘ to their consideration a further provision for the
 ‘ succession to the crown in the protestant Line.
 ‘ That they were highly sensible of the weight of
 ‘ those things, which his Majesty was pleased fur-
 ‘ ther to recommend to them; and therefore they
 ‘ humbly desired, he would be pleased to order all
 ‘ the treaties he had made since the late war, to be
 ‘ laid before them, that they might be enabled to
 ‘ give

' give their mutual advice, when they should be in-
 ' formed of all those matters, necessary to direct
 ' their judgments. Then they humbly desired him
 ' to enter into alliances with all those Princes and
 ' states, who were willing to unite for the preserva-
 ' tion of the balance of *Europe*; and assured his
 ' Majesty that they should readily concur in such
 ' methods, as might effectually conduce to the ho-
 ' nour and safety of *England*, the preservation of
 ' the protestant religion, and the peace of *Europe*.
 ' Then they humbly returned their further thanks to
 ' his Majesty, for communicating the Letter of the
 ' Lord *Melfort*, and desired him to search and seize,
 ' all such persons as were thought in a readiness to
 ' disturb the government. In the mean time they
 ' humbly desire, that his Majesty would give such
 ' order for the speedy fitting out of the fleet, as he
 ' in his great wisdom should think necessary in this
 ' conjuncture, for the defence of his Majesty and the
 ' kingdom.' His Majesty thanked the Lords for
 their address, and for *the concern they expressed in*
relation to the common security both at home and abroad;
 and told them, *he would give the necessary orders for*
those things they desired of him, and take care for fit-
ting out such ships, as in that conjuncture should be ne-
cessary for their common safety.

On consideration of that part of his Majesty's
 speech, which related to the succession, the Com-
 mons resolved, (the 3d of *March*) *That for the*
preserving the peace and happiness of this kingdom, and
the security of the protestant religion by law established,
it is absolutely necessary, a further declaration be made
of the limitation and succession of the crown, in the
protestant line, after his Majesty, and the Princess,
and the heirs of their bodies respectively. And that far-
ther provision be first made, for security of the rights and
liberties of the people.

On *March* the 12th, Mr. *Conyers* reported the
 further resolutions of the Committee appointed for

that purpose ; and the house did then agree and resolve, 1st, That all things relating to the well-governing of this kingdom, which are properly cognizable in the Privy-Council, shall be transacted there, and all resolutions taken thereupon shall be signed by the Privy-Council. 2d. That no person whatsoever, that is not a native of *England*, *Scotland* or *Ireland*, or the dominions thereunto belonging ; or who is not born of *English* parents beyond the seas (although such person be naturalized or made denizon) shall be capable of any grant of lands, tenements or hereditaments from the crown, to himself, or any other in trust for him. 3d. That upon the further limitation of the crown, in case the same shall hereafter come to any person not being a native of this kingdom of *England*, this nation be not obliged to engage in any war for the defence of any dominion, or territories not belonging to the crown of *England*, without the consent of Parliament. 4th, That whosoever shall hereafter come to the possession of this crown, shall join in communion with the church of *England* as by the law established. 5th, That no pardon be pleadable to any impeachment in Parliament. 6th, That no person who shall hereafter come to the possession of this crown, shall go out of the dominions of *England*, *Scotland*, or *Ireland*, without consent of Parliament. 7th, That no person who has any office under the King, or receives a pension from the crown, shall be capable of serving as a member of the house of Commons. 8th, That further provision be made, for the confirming of all laws and statutes for the securing our religion, and the rights and liberties of the people. 9th, That Judges commissions be made *Quam diu se bene gesserint*, and their salaries ascertained and established ; but upon the address of either house of Parliament, it may be lawful to remove them. 10th, That the Princess *Sophia* Dutches Dowager of *Hanover*, be declared the next in suc-

cession

cession to the crown of *England* in the protestant line, after his Majesty and the Princess, and the heirs of their bodies respectively ; and that the further limitation of the crown be to the said Princess *Sophia* and the heirs of her body, being protestants. 11th. That a bill be brought in upon the said resolutions.

On the 18th of *March*, the following message was delivered to the house of Commons by Mr. Secretary *Hedges*, and read by the speaker.

William R.

‘ HIS Majesty having directed Mr. *Stanhope*, his
‘ Envoy extraordinary and plenipotentiary at the King's mes-
sage to the
Commons.
‘ *Hague*, to enter into negotiations in concert with
‘ the states general of the united provinces, and other
‘ potentates, for the mutual security of *England* and
‘ *Holland*, and the preservation of the peace of
‘ *Europe*, according to an address of this house to that
‘ effect: And the said Mr. *Stanhope* having trans-
‘ mitted to his Majesty, copies of the demands made
‘ by himself and the deputies of the states upon that
‘ subject, to the *French* Ambassador there; his Ma-
‘ jesty has thought fit to communicate the same to
‘ you, it being his Majesty's gracious intention, to
‘ acquaint you from time to time with the state and
‘ progress of those negotiations, into which he has
‘ entered pursuant to your address above-mentioned.
‘ *Kensington* the 17th of *March*, 1700.

When this message was taken into consideration of the Commons on the 21st of *March*, they began with the great obstruction to it, the treaty of partition: And after reading the said message, the proposals made to the *French* Ambassador by Mr. *Stanhope*, and the resolution of the states General

Treaty of
partition.

for treating with Monsieur d' *Avaux*, they resolved, *That the treaty of partition be read*; and after reading of it, they proceeded to this resolution, ' That an
' humble address be presented to his Majesty; to
' return the thanks of this house for his gracious
' message, wherein he is pleased to communicate his
' royal intentions, to acquaint this house from time
' to time with the state and progress of those nego-
' tiations, into which his Majesty has entered pur-
' suant to the address of this house. And also to
' lay before his Majesty the ill consequences of the
' treaty of partition (passed under the great seal of
' *England*, during the sitting of Parliament, and
' without the advice of the same) to the peace of
' *Europe*, whereby such large territories of the King
' of *Spain's* dominions were to be delivered up to
' the *French King*.' When this address was pre-
sented to the King, he did somewhat resent the
unkindness of it; and thought there was much more
reason to complain of the perfidious breach of the
treaty, than of the making of it. However, to
decline the entering into any defence of it, he gave
this prudent answer.

Gentlemen,

Address and
King's an-
swer.

I am glad you are pleased with my communicating
to you the state of the negotiations I have entered
into, pursuant to your address; I shall continue to in-
form you of the progress that shall be made in them;
and be always willing to receive your advice there-
upon; being fully perswaded, that nothing can contri-
bute more effectually to the happiness of this kingdom,
and the peace of Europe, than the concurrence of the
Parliament in all my negotiations, and a good under-
standing between me and my people.

Lords ad-
dress against
the partition
treaty.

The house of Lords had before fallen on this
unhappy subject of the partition treaty, and repre-
sented their dislike of it to his Majesty, in an ad-
dress

dress on *March* the 20th, to this effect, ‘ That they
‘ having read and considered the treaty of the 21st
‘ of *February*, or the 3^d of *March*, 1700. made with
‘ the *French* King, together with the separate and
‘ secret articles, which he had been pleased to com-
‘ municate to them, did most humbly represent to
‘ him, that to their great sorrow, they found the
‘ matters thereof to have been of very ill conse-
‘ quence to the peace and safety of *Europe* ; for,
‘ besides the occasion it might have given to the late
‘ King of *Spain*, to have made his will in favour of
‘ the Duke of *Anjou*, if that treaty had taken effect ; the
‘ prejudice to his Majesty and his subjects, and in-
‘ deed to all *Europe*, by the addition of *Sicily*,
‘ *Naples*, several ports of the *Mediterranean*, the
‘ province of *Guipuscoa*, and the dutchy of *Lor-*
‘ *rain*, had been not only very great, but contrary
‘ to the pretence of the treaty itself, which was to
‘ prevent any umbrage that might have been taken,
‘ by uniting so many states and dominions under
‘ one head. That by all the informations they had
‘ had of that fatal treaty, they could not find that
‘ the verbal orders and instructions (if any were
‘ given to his Majesty’s plenipotentiaries) were ever
‘ considered in any of his Majesty’s councils ; or
‘ that the draught of that treaty had ever been laid
‘ before his Majesty, at any meeting of his council,
‘ much less that it was advised or approved of by
‘ any council or Committee of council : Wherefore
‘ they thought themselves bound in duty to his Ma-
‘ jesty, and justice to their country, most humbly
‘ to beseech him, that for the future he would be
‘ pleased to require and admit, in all matters of
‘ importance, the advice of his natural born sub-
‘ jects, whose known probity and fortunes might
‘ give him and his people a just assurance of their
‘ fidelity to his service ; and that in order thereto,
‘ he would be pleased to constitute a council of such
‘ persons, to whom his Majesty might be pleased

‘ to impart all affairs, both at home and abroad,
 ‘ which might any way concern him and his domi-
 ‘ nions. For as interest and natural affection to
 ‘ their country, would incline them to wish the wel-
 ‘ fare and prosperity of it, much more than others,
 ‘ who had no such ties upon them ; and as their ex-
 ‘ perience and knowledge of their country, would
 ‘ also render them more capable than strangers, of
 ‘ advising his Majesty in the true interests of it ;
 ‘ so they were confident, that after such large and
 ‘ repeated demonstrations of his subjects duty and
 ‘ affection, his Majesty could not doubt of their
 ‘ zeal in his service, nor want the knowledge of
 ‘ persons fit to be employed in all his most secret
 ‘ and arduous affairs. And that since it appeared
 ‘ the *French* King’s accepting of the King of *Spain*’s
 ‘ will, was a manifest violation of that treaty, they
 ‘ humbly advised his Majesty in future treaties with
 ‘ that Prince, to proceed with such caution, as
 ‘ might carry a real security.’

His Majesty having received the Lords address,
 answered, *It contained matter of very great moment,*
and that he would always take care that all treaties
be made, should be for the honour and safety of Eng-
land.

Before this address was actually presented, a mo-
 tion was made to send to the Commons for their
 concurrence ; and these reasons were urged for it
 by some of the Lords, ‘ That the last clause in
 ‘ the address did necessarily imply a war, and that a
 ‘ very long one, by reason of the extent (unintel-
 ‘ ligible at least to them) of a real security, and
 ‘ the great improbability of obtaining any terms of
 ‘ that kind ; and since that necessarily implied great
 ‘ supplies, which could not be granted without the
 ‘ Commons, they looked upon their concurrence in
 ‘ the address to be absolutely necessary ; and that
 ‘ it was improper for them to desire that of the
 ‘ King,

‘ King, which, for want of such concurrence of the
‘ Commons, they conceived his Majesty would not
‘ think fit or prudent for him to grant them. That
‘ they were of opinion, all the other parts of the
‘ address, were very fit to be communicated to the
‘ Commons; for upon the success of it depended
‘ the future happiness of the nation: And as they
‘ could not doubt of the Commons readiness to join
‘ in any proper measures towards it, so they thought
‘ their concurrence would highly contribute towards
‘ the obtaining of a gracious answer from his Ma-
‘ jesty; and they could not but think it reasonable,
‘ that the advice of the whole nation assembled in
‘ Parliament, should be made known to the King
‘ upon such an occasion.’

It was urged farther, that their Lordships having desired the Commons to permit Mr. Secretary *Vernon*, a member of their house, to come to a Committee of Lords, in order to be informed by him of some matters relating to the treaty of partition, they apprehended that the Commons might think it extraordinary, and not suitable to the good correspondence which was highly necessary between the two houses, not to acquaint them with the things which had come to their knowledge, partly by the information of their own members: And that having been otherwise informed of some transactions relating to that treaty, between the Earl of *Portland*, and Mr. Secretary *Vernon*, by letters, of which they had not received a full account, they thought it might be very useful to the publick, to communicate that address to the Commons, who had a better opportunity than their Lordships, of enquiring into that matter, which seemed to be yet in the dark, and which their own members might help to explain to them.

But the major part of the Lords were against the communicating of this address to the Commons, and

Proceedings
about the
partition
treaty.

left them to make a like separate address, for a double regret to his Majesty.

When the motion about the partition treaty was made in the house of Peers, many of the Lords directly charged it upon the Earl of *Portland*. His Lordship excused himself, by saying, that the Duke of *L—*, the Earls of *P—*, *J—*, and *M—*, the Lords *S—*, *L—*, and *H—*, and Mr. *Vernon*, had their share in that negotiation, as well as himself. Whereupon the Peers whom his Lordship had named, did readily acknowledge that they had indeed seen the rough draught of the treaty; but that the Earl of *Portland* had drawn it up himself in *French*; and as for their part, they had neither given nor refused their consent to it, because the treaty was never communicated to the Privy Council. Upon this occasion, some Peers having spoke very reflectingly of the King of *France*; the Earl of *R—* took them up, and said, *That all men ought to speak respectfully of crowned heads; and that this duty was more particularly incumbent on the Peers of a kingdom, who derive all their honour and lustre from the crown.* This was backed by another Earl, who said, *That the King of France was not only to be respected, but likewise to be feared.* To whom another member of that illustrious assembly replied, *That he hoped no man in England needed to be afraid of the French King; much less the Peer who spoke last; who he doubted was too much a friend to that Monarch to fear any thing from him.* And in the house of Commons they talked over this matter with more extraordinary warmth; and some members gave themselves a loose in reflecting upon his Majesty, beyond all the bounds of duty and decency; intimating how the combination for dividing another man's kingdom, might be compared to an action on the highway; with some other expressions too gross to be related.

Upon

Upon the *French* Ambassador's declining to give a satisfactory answer to the memorials presented by Mr. *Stanhope* and the *Dutch*, his Majesty sent this message to the house of Commons.

William, R.

‘ HIS Majesty having received an account from
‘ Mr. *Stanhope*, his Envoy extraordinary at the
‘ *Hague*, that the *French* Ambassador there had
‘ declared to the Pensionary, that the King his ma-
‘ ster had no other answer to return to the demands
‘ made by the States General of the *United Provinces*,
‘ than that he is ready to renew and confirm the
‘ treaty of *Ryswick*, it being all the security the
‘ States are to expect ; and that he has no orders to
‘ give any answer to his Majesty's said Envoy ; but
‘ if his Majesty has any thing to demand, it may be
‘ done by his Ambassador at *Paris*, or to the *French*
‘ Minister at *London* ; and that he has no commission
‘ to treat with any but the States. And his Majesty
‘ having also received two resolutions of the States,
‘ and a memorial from their Envoy here, relating
‘ to the ships they are sending to join his Majesty's
‘ fleet, and the succours they desired may be hasten-
‘ ed to them, by virtue of the treaty made the third
‘ of *March*, one thousand six hundred seventy seven.
‘ His Majesty has thought fit to communicate the
‘ whole to this house, that they may be particular-
‘ ly informed of the present state of affairs abroad,
‘ where the negotiations seem to be at an end, by
‘ the positive answer the *French* Ambassador has
‘ given to the States : Which his Majesty recom-
‘ mends to the serious consideration of this house,
‘ as a matter of the greatest weight and consequence ;
‘ and desires that they will give his Majesty such
‘ advice thereupon, as may be for our own security,
‘ and that of the States General, and the peace of
‘ *Europe*.’ Kensington, the thirty first day of March,
one thousand seven hundred and one.

When

When this message was taken into the consideration of the house, they resolved, *nemine contradicente*, April 2d. ‘ That the humble advice of this house be
‘ given to his Majesty, to desire, that his Majesty
‘ will be pleased to carry on the negotiations in concert with the States General, and take such measures therein as may most conduce to their security ;
‘ and that his Majesty will pursue the treaty made
‘ with the States General the third of *March*, 1677.
‘ and to assure his Majesty, that this house will effectually enable him to support the said treaty
‘ of 1677.’

When this resolution of advice was presented to his Majesty, Mr. Secretary *Hedges* reported his Majesty’s answer to this effect: ‘ That according to the
‘ advice of the house of Commons, his Majesty has
‘ given orders to his Envoy extraordinary at the
‘ *Hague*, to carry on the negotiations in concert with
‘ the States General, and to take such measures
‘ therein, as may most conduce to their security.
‘ His Majesty thanks you for the assurance you have
‘ given, that this house will effectually enable him
‘ to support the treaty of 1677, and will pursue the
‘ same as you advise. He does not doubt, but the
‘ readiness you have shewn upon this occasion, will
‘ very much contribute to the obtaining such a security as is desired.’

Resolution
to impeach
the Earl of
Portland.

The Commons of *England* not content with their address to the King against the treaty of partition, proceed to shew their abhorrence of it, in a manner that seemed to affect our peace at home, more than to prepare for a war abroad. For on *April* the first they resolved, *That William Earl of Portland by negotiating and concluding the treaty of partition, (which was destructive to the trade of this kingdom, and dangerous to the peace of Europe) is guilty, and shall be impeached, of high crimes and misdemeanors.* And they ordered Sir *John Levison Gower* to go up to the Lords, and at their bar to impeach the said Earl,

Earl, and to acquaint their Lordships, that they will in due time exhibit particular articles against him. And then desired a conference with the Lords upon matters relating to the treaty of partition ; at which conference the Commons delivered this paper to the Lords.

‘ It appearing by your Lordships Journal, that
‘ your Lordships have received information of some
‘ transactions between the Earl of *Portland*, and Mr.
‘ Secretary *Vernon*, relating to the partition of the
‘ *Spanish* monarchy, the Commons having the said
‘ matter under their consideration, desire your Lord-
‘ ships will be pleased to communicate to the Com-
‘ mons what informations your Lordships have had,
‘ of any transactions relating to any negotiations or
‘ treaties of partition of the *Spanish* monarchy, by
‘ letters or otherwise. And the Commons are fully
‘ assured, that your Lordships will readily concur in
‘ assisting them in this enquiry, which they conceive
‘ absolutely necessary for the safety and honour of this
‘ kingdom, and the preservation of the peace of
‘ *Europe*.’

The Lords ordered the two *Latin* Commissions of powers granted to the Earls of *Portland* and *Jersey*, for negotiating the said treaties, one dated the 1st. of *July*, 1699, the other on the 2d. of *January*, 1700, as also a private paper of the Lord *Portland*’s running thus.

‘ At the beginning of the summer of the year
‘ 1699, when I was in *Holland*, at my country-house,
‘ and when the King would have me concerned in the
‘ negotiation of this treaty with the Emperor, the
‘ *French* King, and the states ; being very unwilling
‘ to meddle with business again, from which I was
‘ retired, before I would engage my self, I advised
‘ with my friends in *Holland*, and writ into *England*
‘ to Mr. Secretary *Vernon*, as my particular friend,
‘ whether it was adviseable for me to engage in any
‘ business again? To which Mr. *Vernon* answered in
‘ substance,

‘ substance, that this would not engage me but for
 ‘ a little while : That I being upon the place, and
 ‘ generally acquainted with the foreign ministers, it
 ‘ would be easier for the King, and properer for me
 ‘ to be employed in it, than any body else, that
 ‘ must be otherwise sent for on purpose.’

Impeach-
 ment of the
 Lord Somers.

The next person whom the Commons intended to call upon, was *John Lord Somers*, late Lord Chancellor of *England*, on whose judgment and fidelity the King had very much relied : His Lordship being sensible of the storm that was coming on, desired the Earl of *Portland*, with leave of the house, to declare if he pleased, whether the Lord Somers's name was mentioned in the letter he received from Mr. Secretary *Vernon* ? The Earl of *Portland* stood up and declared, ‘ That if he had remembered any
 ‘ such thing in the letter, and had not inserted it in
 ‘ the paper which he had delivered to the house, he
 ‘ should have thought he had deceived the house.’

On *April* the 14th, the Lord Somers sent in an information to the house of Commons, *That having heard the house was upon a debate concerning him, he desired that he might be admitted in and heard* : This was granted, and a chair was set by the Sergeant, a little within the bar on the left hand ; then the Sergeant had directions to acquaint the Lord Somers, that he might come in ; and the door being opened, his Lordship came in, and Mr. *Speaker* acquainted his Lordship, that he might repose himself in the chair provided for him ; and his Lordship was heard what he had to offer to the house, which he did with great plainness and presence of mind : but when his Lordship withdrew, the house came to this resolution, ‘ That *John Lord Somers*, by
 ‘ advising his Majesty in the Year 1698, to the
 ‘ treaty for partition of the *Spanish* monarchy, where-
 ‘ by large territories of the King of *Spain*'s domini-
 ‘ ons, were to be delivered up to *France*, is guilty
 ‘ of a high crime and misdemeanor : And they
 ‘ ordered

‘ ordered Mr. *Harcourt* to go up to the Lords, and
 ‘ at their bar to impeach him, and to acquaint their
 ‘ Lordships, that the house will in due time exhibit
 ‘ particular articles against him.’ And immediately
 after, they resolved, *That Edward Earl of Orford,*
and Charles Lord Hallifax be for the same reasons
impeached of high crimes and misdemeanors.

The Lord *Somers* had delivered to the house of
 Commons a copy of the letter which he had sent
 to his Majesty, in answer to one from his Majesty,
 upon occasion of that treaty : Both which are fit to
 be inserted.

At Loo, ½ of August, 1698.

‘ **I** Imparted to you before I left *England*, that in King's letter
 ‘ *France* there was expressed to my Lord *Portland* to lord Somers.
 ‘ some inclination to come to an agreement with us,
 ‘ concerning the succession of the King of *Spain* ;
 ‘ since which, Count *Tallard* has mentioned it to me,
 ‘ and has made propositions, the particulars of
 ‘ which my Lord *Portland* will write to *Vernon*, to
 ‘ whom I have given orders not to communicate
 ‘ them to any other besides yourself, and to leave to
 ‘ your judgment to whom else you would think
 ‘ proper to impart them ; to the end that I might
 ‘ know your opinion upon so important an affair,
 ‘ and which requires the greatest secrecy. If it be
 ‘ fit this negotiation should be carried on, there is
 ‘ no time to be lost, and you will send me the full
 ‘ powers under the Great Seal, with the names in
 ‘ blank, to treat with Count *Tallard*. I believe that
 ‘ this may be done secretly, that none but you and
 ‘ *Vernon*, and those to whom you shall communicate
 ‘ it, may have knowledge of it ; so that the clerks
 ‘ who are to write the warrant and the full powers,
 ‘ may not know what it is. According to all in-
 ‘ telligence, the King of *Spain* cannot out-live the
 ‘ month of *October*, and the least accident may
 ‘ carry

‘ carry him off every day. I received yesterday
 ‘ your letter of the 9th. Since my Lord *Whar-*
 ‘ *ton* cannot at this time leave *England*, I must
 ‘ think of some other to send Ambassador into
 ‘ *Spain* ; if you can think of any one proper, let
 ‘ me know it, and be always assured of my friend-
 ‘ ship.’

William R.

The Lord Somers's Answer.

S I R,

Tunbridge Wells, 28th
 August, 1698. O. S.

Lord So-
 mers's An-
 swer.

‘ **H**AVING your Majesty's permission to try if the
 ‘ waters would contribute to the re-establish-
 ‘ ment of my health, I was just got to this place,
 ‘ when I had the honour of your commands ; I
 ‘ thought the best way of executing them would be
 ‘ to communicate to my Lord *Orford*, Mr. *Monta-*
 ‘ *gue*, and the Duke of *Shrewsbury* (who before I left
 ‘ *London*, had agreed upon a meeting about that
 ‘ time) the subject of my Lord *Portland*'s letter ; at
 ‘ the same time letting them know, how strictly your
 ‘ Majesty required that it should remain an absolute
 ‘ secret.

‘ Since that time, Mr. *Montague*, and Mr. Se-
 ‘ cretary are come down hither ; and upon the whole
 ‘ discourse, three things have principally occurred, to
 ‘ be humbly suggested to your Majesty.

‘ *First*, That the entertaining a proposal of this
 ‘ nature, seems to be attended with very many ill
 ‘ consequences, if the *French* did not act a sincere
 ‘ part ; but we were soon at ease, as to any ap-
 ‘ prehension of this sort, being fully assured your
 ‘ Majesty would not act but with the utmost nicety,
 ‘ in an affair wherein the glory and safety of *Europe*
 ‘ were so highly concerned.

‘ The

‘ The second thing considered, was the very ill
‘ prospect of what was like to happen upon the
‘ death of the King of *Spain*, in case nothing was
‘ done previously towards the providing against that
‘ accident, which seemed probably to be very near:
‘ The King of *France* having so great a force in such
‘ a readiness, that he was in a condition to take pos-
‘ session of *Spain*, before any other Prince could be
‘ able to make a stand. Your Majesty is the
‘ best Judge whether this be the case, who are
‘ so perfectly informed of the circumstances of parts
‘ abroad.

‘ But so far as relates to *England*, it would be
‘ want of duty not to give your Majesty this clear
‘ account, and there is a deadness and want of spirit
‘ in the nation universally, so as not at all to be
‘ disposed to the thought of entering into a new
‘ war; and that they seem to be tired out with taxes
‘ to a degree beyond what was discerned, till it ap-
‘ peared upon the occasion of the late elections.
‘ This is the truth of the fact, upon which your
‘ Majesty will determine what resolutions are proper
‘ to be taken.

‘ That which remained, was the consideration
‘ what would be the condition of *Europe*, if the
‘ proposal took place: Of this we thought ourselves
‘ little capable of judging, but it seemed that if *Si-*
‘ *cily* was in the *French* hands, they will be entirely
‘ masters of the *Levant* trade; that if they were
‘ possessed of *Final*, and those other sea ports on that
‘ side, whereby *Milan* would be entirely shut out
‘ from relief by sea, or any other commerce, that
‘ *Dutchy* would be of little signification in the hands
‘ of any Prince; and that if the King of *France*
‘ had possession of that part of *Guipuscoa*, which is
‘ mentioned in the proposal, besides the ports he
‘ would have in the ocean, it does seem he would
‘ have as easy a way of invading *Spain* on that side,
‘ as he now has on the side of *Catalonia*.

‘ But

‘ But it is not to be hoped that *France* will quit its
‘ pretences to so great a succession, without consider-
‘ able advantages; and we are all assured, your Ma-
‘ jesty will reduce the terms as low as can be done,
‘ and make them, as far as is possible in the present
‘ circumstances of things, such as may be some foun-
‘ dation for the future quiet of *Christendom*; which
‘ all your subjects cannot but be convinced is your
‘ true aim. If it could be brought to pass that
‘ *England* might be some way a gainer by this trans-
‘ action, whether it was by the Elector of *Bavaria*
‘ (who is the gainer by your Majesty’s interposition
‘ in this treaty) his coming to an agreement to let us
‘ into some trade to the *Spanish* Plantations, or in any
‘ other manner, it would wonderfully endear your
‘ Majesty to your *English* subjects.

‘ It does not appear, in case this negotiation should
‘ proceed, what is to be done on your part in order
‘ to make it take place, whether any more be re-
‘ quired than the *English* and *Dutch* should sit still,
‘ and *France* it self to see it executed. If that be so,
‘ what security ought to be expected, that if by
‘ our being neuters the *French* be successful, they
‘ will confine themselves to the *terms of the treaty*,
‘ and not attempt to make further advantages of
‘ their success?

‘ I humbly beg your Majesty’s pardon that these
‘ thoughts are so ill put together: These waters
‘ are known to discompose and disturb the head, so
‘ as almost totally to disable one from writing: I
‘ should be extremely troubled if my absence from
‘ *London* has delayed the dispatch of the commission
‘ one day. You will be pleased to observe that two
‘ persons (as the commission is drawn) must be
‘ named in it, but the powers may be executed by
‘ either of them. I suppose your Majesty will
‘ not think it proper to name Commissioners that
‘ are not *English*, or naturalized, in an affair of this
‘ nature.

‘ I pray God give your Majesty honour and success in all your undertakings, I am with the utmost duty and respect,’

Sir, your Majesty's most dutiful and

most obedient subject and servant.

P. S. *The commission is wrote by Mr. Secretary, and I have had it sealed in such a manner, that no creature has the least knowledge of the thing, besides the persons named.*

The Commons in pursuance of resolutions taken the 15th of *April*, did on the 23d, present this address to the King.

Most gracious Sovereign,

‘ **W**E your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, do humbly crave leave to represent to your Majesty, the great satisfaction we have from our late enquiry concerning the treaty of partition, made in the year 1698, (on which the treaty in 1699 was founded) to see your Majesty's great care of your people and this nation, in not entering into that negotiation without the advice of your *English* Counsellors; and finding that *John Lord Somers*, on whose judgment your Majesty did chiefly rely in that so important affair, did, in concert with *Edward Earl of Orford*, and *Charles Lord Hallifax*, advise your Majesty to enter into that treaty of so dangerous consequence to the trade and welfare of this nation; and who, to avoid the censure which might justly be apprehended to fall on those who advised the same, endeavoured to insinuate, that your Majesty without the advice of your council entered into that treaty, and under your sacred name to seek protection for what themselves had so advised: Of which treat-

The Commons Address to the King.

‘ment of your Majesty we cannot but have a just
 ‘resentment : And that they may be no longer able
 ‘to deceive your Majesty and abuse your people,
 ‘we do humbly beseech your Majesty, that you will
 ‘be pleased to remove *John Lord Somers, Edward*
 ‘*Earl of Orford*, and *Charles Lord Hallifax*, from
 ‘your council and presence for ever ; as also *William*
 ‘*Earl of Portland*, who transacted these treaties, so
 ‘unjust in their own nature, and so fatal in their
 ‘consequences to this nation, and the peace of *Eu-*
 ‘*rope*. And we humbly crave leave upon this oc-
 ‘casion, to repeat our assurances to your Majesty,
 ‘that we will always stand by and support your Ma-
 ‘jesty, to the utmost of our power, against all your
 ‘enemies both at home and abroad.’

His Majesty could not but be very uneasy at this severe dealing with his councils and his Ministers ; when he knew the error, if any, was a mistake of judgment only, and that rather of his own, than of any employed by him. However he kept his temper, and gave this gracious answer.

King's an-
 swer.

I Am willing to take all occasions of thanking you very heartily, for the assurances you have frequently given me, and now repeat, of standing by and supporting me against all our enemies both at home and abroad ; towards which, nothing, in my opinion, can contribute so much as a good correspondence between me and my people. And therefore you may depend upon it, that I will employ none in my service, but such as shall be thought most likely to improve that mutual trust and confidence between us, which is so necessary in this conjuncture, both for our own security, and the defence and preservation of our allies.

The house of Lords was alarmed at the address of the Commons, and did apprehend it to be an ill

ill precedent for persons to be censured, before they were tried. And therefore they interposed with this counter address to his Majesty.

‘ **W**E your Majesty’s most loyal and dutiful
 ‘ subjects, the Lords Spiritual and temporal,
 ‘ in Parliament assembled, beg leave to represent
 ‘ to your Majesty, that the house of Commons have
 ‘ severally impeached at the bar of our house, *Wil-*
 ‘ *liam Earl of Portland, John Lord Somers, Ed-*
 ‘ *ward Earl of Orford, and Charles Lord Hallifax,*
 ‘ of high crimes and misdemeanours, and they hav-
 ‘ ing acquainted us, that they will in due time ex-
 ‘ hibit particular articles against the said Lords,
 ‘ and make good the same; we do most humbly
 ‘ beseech your Majesty, that your Majesty will be
 ‘ pleased not to pass any censure upon them, until
 ‘ they are tried upon the said impeachments, and
 ‘ judgment be given according to the usage of Par-
 ‘ liament, and the laws of the land.

The Lords
address
against these
proceedings.

In the mean time, his Majesty on the 8th of *May*, sent this message to the house of Commons by Mr. Secretary *Hedges*.

William R.

‘ **H**IS Majesty having lately received an account
 ‘ from Mr. *Stanhope*, of the present posture of
 ‘ affairs in *Holland*, and likewise a letter from the
 ‘ states general, which is of the greatest importance:
 ‘ And his Majesty, who has so perfect a knowledge
 ‘ of their country, being entirely convinced of the
 ‘ hardships of their present condition, and the great
 ‘ pressures they now lie under, which are particu-
 ‘ larly expressed in the above-mentioned letter, has
 ‘ thought it absolutely necessary to communicate the
 ‘ same to this house; that the expectations the states
 ‘ have of present assistance from his Majesty, may
 ‘ more fully appear. And his Majesty does not
 ‘ doubt, but this house will be so justly sensible, of

A message
from the
King to the
Commons.

‘ those immediate dangers to which they stand exposed, as to take the same into their most serious and effectual consideration; it being most evident, that the safety of *England*, as well as the very being of *Holland*, does very much depend upon your resolutions in this matter.’

This message was the next day taken into the consideration of the Commons; and they unanimously resolved, *That this house will effectually assist his Majesty to support his allies, in maintaining the liberty of Europe; and will immediately provide succours for the States General, according to the treaty of the 3d of March, 1677.*

The nation now began to be in a high ferment, and the people generally disliked the proceedings of the Commons. A bold testimony of it was given in the county of *Kent*, where a petition was drawn up in this form.

THE KENTISH PETITION.

The humble petition of the Gentlemen, Justices of the peace, Grand-Jury, and other Freeholders at the general quarter-sessions of the peace holden at Maidstone, the 29th of April, in the thirteenth year of the reign of our sovereign Lord William III. over England, &c.

WE the Gentlemen, Justices of the peace, Grand-Jury, and other Freeholders, at the general quarter-sessions at *Maidstone*, in *Kent*, deeply concerned at the dangerous estate of this kingdom, and of all *Europe*; and considering that the fate of us and our posterity depends upon the wisdom of our representatives in Parliament, think ourselves bound in duty, humbly to lay before this honourable house the consequence, in this conjuncture

ture, of your speedy resolution, and most sincere endeavour to answer the great trust reposed in you by your country. And in regard, that from the experience of all ages it is manifest, no nation can be great or happy without union, we hope, that no pretence whatsoever shall be able to create a misunderstanding among ourselves, or the least distrust of his most sacred Majesty; whose great actions for this nation are writ in the hearts of his subjects, and can never, without the blackest ingratitude, be forgot. We most humbly implore this honourable house to have regard to the voice of the people, that our religion and safety may be effectually provided for, that your loyal addresses may be turned into bills of supply, and that his most sacred Majesty (whose propitious and unblemished reign over us we pray God long to continue) may be enabled powerfully to assist his allies before it is too late.

And your Petitioners shall ever pray, &c.

Signed by the Deputy-Lieutenants there present, above 20 Justices of the peace, all the Grand-Jury, and other Freeholders then there.

This petition was boldly delivered to the house on May the 8th, and Mr. William Colepepper, Mr. Tho. Colepepper, Mr. David Polehill, Mr. Justinian Champney, and Mr. William Hamilton, being called in, owned the petition at the bar, and their hands to the same: Then they withdrew, and the petition being read, the house resolved, *That the said petition was scandalous, insolent, and seditious, tending to destroy the constitution of Parliaments, and to subvert the established government of these realms.* And then ordered, ‘That all those Gentlemen should be taken into custody, as guilty of promoting the said petition.’ And on May the 14th, the house being informed, that Mr. Thomas Colepepper had made

The Gentlemen are committed.

his escape, and that the rest of the persons committed, did behave themselves disorderly; the Serjeant was called in, who acquainted the house, that the said Mr. *Colepepper* had on *Saturday* last made his escape, and that some of the others had threatned, and he was apprehensive of force to rescue them; and prayed the direction of the house concerning them: Whereupon, the house ordered them to be delivered prisoners to the *Gate-house*; and agreed to address his Majesty, to issue his proclamation for apprehending Mr. *Colepepper*, and for putting out of the commissions of the peace and lieutenancy, such of the others as were in any of the said commissions. But Mr. *Colepepper* made a voluntary surrender of himself, and was confined with his neighbours.

Not long after this, another dart was shot, and supposed from the same quiver, at the house; for the following pamphlet, entituled by most people, *The legion letter*, was sent to the speaker.

Mr. *Speaker*.

‘ The enclosed memorial you are charged with in
‘ the behalf of many thousands of the good people
‘ of *England*.

The legion
letter,

‘ There is neither popish, jacobite, seditious,
‘ court or party-interest concerned in it; but ho-
‘ nesty and truth. You are commanded by two
‘ hundred thousand *Englishmen*, to deliver it to the
‘ house of Commons, and to inform them that it is
‘ no banter, but serious truth; and a serious regard
‘ to it is expected; nothing but justice and their du-
‘ ty is required; and it is required by them, who
‘ have both a right to require, and power to com-
‘ pel, viz. the people of *England*.

‘ We could have come to the house strong enough
‘ to oblige them to hear us, but we have avoided
‘ any tumults, not desiring to embroil, but to save
‘ our native country.

‘ If

‘ If you refuse to communicate it to them, you
 ‘ will find cause in a short time to repent it’.

*To Robert Harley, Esq;
 Speaker to the house of Commons.*

These

The Memorial.

*To the Knights, Citizens, and Burgeses in
 Parliament assembled.*

*A Memorial, from the Gentlemen, Freeholders and In-
 habitants of the counties of——in behalf of them-
 selves, and many thousands of the good people of
 England.*

*Legion me-
 morial.*

Gentlemen,

IT were to be wished you were men of that
 temper, and possessed of so much honour, as
 to bear with the truth, though it be against you;
 especially from us, who have so much right to tell
 it you: But since, even petitions to you from your
 masters,——(for such are the people who chose you)
 are so haughtily received, as with the committing
 the authors to illegal custody: You must give us
 leave, to give you this fair notice of your misbe-
 haviour.

If you think fit to rectifie your errors, you will
 do well, and possibly may hear no more of us; but
 if not, assure yourselves, the nation will not long
 hide their resentments. And though there are no
 stated proceedings to bring you to your duty, yet
 the great law of reason says, and all nations allow,
 that whatever power is above law, is burthensome
 and tyrannical, and may be reduced by extrajudi-
 cial methods. You are not above the people’s re-
 sentments, they that made you members, may re-

duce you to the same rank from whence they chose you; and may give you a taste of their abused kindness, in terms you may not be pleased with.

When the people of *England* assembled in convention, presented the crown to his present Majesty, they annexed a declaration of the rights of the people, in which was expressed what was illegal and arbitrary in the former reign, and what was claimed as of right to be done by succeeding Kings of *England*.

In like manner, here follows, Gentlemen, a short abridgment of the nation's grievances, and of your illegal and unwarrantable practices; and a *claim of right*, which we make in the name of ourselves, and such of the good people of *England*, as are justly alarmed at your proceedings.

1. To raise funds for money, and declare, by borrowing clauses, that whosoever advances money on those funds, shall be reimbursed out of the next aids, if the funds fall short; and then give subsequent funds, without transferring the deficiency of the former, is a horrible cheat on the subject who lent the money, a breach of publick faith, and destructive to the honour and credit of Parliaments.

2. To imprison men who are not your own members, by no proceedings, but a vote of your house, and to continue them in Custody, *sine die*, is illegal, a notorious breach of the liberty of the people, setting up a dispensing power in the house of Commons, which your fathers never pretended to; bidding defiance to the *habeas corpus act*, which is the bulwark of personal liberty; destructive of the laws, and betraying the trust reposed in you. The King, at the same time, being obliged to ask you leave, to continue in custody the horrid assassina-tors of his person,

3. Com-

3. Committing to custody those Gentlemen, who, at the command of the people (whose servants you are) came in a peaceable way to put you in mind of your duty, is illegal and injurious; destructive of the subjects liberty of petitioning for redress of grievances, which has, by all Parliaments before you, been acknowledged to be their undoubted right.

4. Voting a petition from the Gentlemen of *Kent* insolent, is ridiculous, and impertinent; because the Freeholders of *England* are your superiors; and is a contradiction in itself, and a contempt of the *English* freedom, and contrary to the nature of Parliamentary power.

5. Voting people guilty of bribery and ill practices, and committing them as aforesaid, without bail, and then, upon submission and kneeling to your house, discharging them, after exacting exorbitant fees by your officers, is illegal, betraying the justice of the nation, selling the liberty of the subjects, encouraging the extortion and villany of goalers and Officers, and discountenancing the legal prosecution of offenders in the ordinary course of law.

6. Prosecuting the crime of bribery in some, to serve a party, and then proceeding no further, though proof lay before you, is partial, and unjust, and a scandal upon the honour of Parliaments.

7. Voting the treaty of partition fatal to *Europe*, because it gave so much of the *Spanish* dominions to the *French*, and not concerning your selves to prevent their taking possession of it all; deserting the *Dutch*, when the *French* are at their doors, till it be almost too late to help them; is unjust to our treaties, and unkind to our confederates, dishonourable to the *English* nation, and shews you very negligent of the safety of *England*, and of our protestant neighbours.

8. Ordering immediate hearings to trifling petitions, to please parties in elections; and postponing the petition of a widow, for the blood of her murdered

thered daughter, without giving it a reading, is an illegal delay of justice, dishonourable to the publick justice of the nation.

9. Addressing the King to displace his friends, upon bare surmises, before the legal trial, or any article proved, is illegal, and inverting the law, and making execution go before judgment; contrary to the true sense of the law, which esteems every man a good man, till something appears to the contrary.

10. Delaying proceedings upon captical impeachments, to blast the reputation of the persons, without proving the fact, is illegal and oppressive, destructive to the liberty of *Englishmen*, a delay of justice, and a reproach of Parliaments.

11. Suffering sawcy, indecent reproaches upon his Majesty's person, to be publickly made in your house, particularly that impudent scandal of Parliaments *John How*, without shewing such resentments as you ought to do; the said *John How* saying openly, that his Majesty had made a felonious treaty to rob his neighbours; insinuating that the *partition treaty* (which was every way as just as blowing up one man's house to save another's) was a combination of the King to rob the crown of *Spain* of its due: This is making a *Billingsgate* of the house, and setting up to bully your Sovereign, contrary to the intent and meaning of the freedom of speech, which you claim as a right; is scandalous to Parliaments, undutiful and unmannerly, and a reproach to the whole nation.

12. Your *Speaker* exacting the exorbitant rate of 10 *l. per diem* for the votes, and giving the printer encouragement to raise it on the people, by selling them at 4 *d. per sheet*, is an illegal and arbitrary exaction, dishonourable to the house, and burthensome to the people.

13. Neglecting to pay the nation's debts, compounding for interest, and postponing petitions, is
illegal,

illegal, dishonourable, and destructive of the publick faith.

14. Publickly neglecting the great work of reformation of manners, though often pressed to it by the King, to the great dishonour of God and encouragement of vice, is a neglect of your duty, and an abuse of the trust reposed in you by God, his Majesty, and the people.

15. Being scandalously vicious your selves, both in your minds and religion, lewd in life, and erroneous in doctrine, having publick blasphemers, and impudent deniers of our Saviour's divinity among you, and suffering them unreproved and unpunished, to the infinite regret of all good christians, and the just abhorrence of the whole nation.

Wherefore, in a sad prospect of the impending ruin of our native country, while Parliaments (which ought to be the security and defence of our laws and constitution) betray their trust, and abuse the people whom they should protect: And no other way being left us, but the force which we are very loth to make use of, that posterity may know we did not insensibly fall under the tyranny of a prevailing party, we do hereby claim and declare,

1. That it is the undoubted right of the people of *England*, in case their representatives in Parliament do not proceed according to their duty, and the people's interest, to inform them of their dislike, disown their actions, and to direct them to such things as they think fit, either by petition, address, proposal, memorial, or any other peaceable way.

2. That the house of Commons, separately, and otherwise than by bill legally passed into an act, have no legal power to suspend, or dispense with, the laws of the land, any more than the King has by his prerogative.

3. That the house of Commons have no legal power to imprison any person, or commit them to the custody of Sergeants, or otherwise, (their own

members excepted) but ought to address the King to cause any person, on good grounds, to be apprehended; which person so apprehended ought to have the benefit of the *Habeas Corpus Act*, and be fairly brought to a trial by due course of law.

4. That, if the house of Commons, in breach of the laws and liberties of the people, do betray the trust reposed in them, and act negligently, arbitrarily and illegally; it is the undoubted right of the people of *England* to call them to an account for the same; and by convention, assembly, or force, may proceed against them as traytors and betrayers of their country.

These things we think proper to declare, as the undoubted right of the people of *England*, whom you serve. And in pursuance of that right (avoiding the ceremony of petitioning our inferiours, for such you are by your present circumstances, as the person sent is less than the sender) we do publickly protest against all your aforesaid actions; and, in the name of our selves, and all the good people of *England*, do require and demand,

1. That all the publick just debts of the nation be forthwith paid and discharged.

2. That all persons illegally imprisoned, as aforesaid, be either immediately discharged, or admitted to bail, as by law they ought to be; and the liberty of the subject recognized and restored.

3. That *John How* aforesaid, be obliged to ask his Majesty pardon for his vile reflections, or be immediately expelled the house.

4. That the growing power of *France* be taken into consideration, the succession of the Emperor to the crown of *Spain* supported, and our protestant neighbours protected, as the true interest of *England* and the protestant religion requires.

5. That the *French* King be obliged to quit *Flanders*, or that his Majesty be addressed to declare war against him.

6. That suitable supplies be granted to his Majesty, for the putting all those necessary things in execution; and that care be taken, that such taxes as are raised, be more equally assessed and collected, and scandalous deficiencies prevented.

7. That the thanks of the house may be given to those Gentlemen, who so gallantly appeared in the behalf of their country with the *Kentish* petition, and have been so scandalously used for it.

Thus, Gentlemen, you have your duty laid before you, which 'tis hoped you will think of; but if you continue to neglect it, you may expect to be treated according to the resentments of an injured nation; for *Englishmen* are no more to be *Slaves* to *Parliaments*, than to *Kings*.

Our name is *LEGION*,

And we are *MANY*.

POSTSCRIPT.

If you require to have this memorial signed with our names, it shall be done on your first orders, and personally presented.

If men's tongues began to be loose before, they were much more now, upon the imprisonment of the *Kentish* gentlemen: Some would have this to be the greatest outrage upon the people's liberty imaginable, alledging it was their undoubted right to petition; and at this rate we had better fall under the oppressions of one, than so many. What did the *Habeas Corpus* act signify? That it looked as if the nation were betrayed, and *England* bought and sold: Nay, somebody was so audacious, as to fix a bill on the house of Commons door, importing, that this nation is to be sold, enquire within: While others, on their part said, the house of Commons was a branch of the government; that all govern-
ments

ments were absolute, in their nature and constitution, and so must the Commons in their respective share of it.

Difference
between the
two houses
upon the
matter of
impeach-
ment.

To return to the unhappy difference between the two houses, in the case of the impeached Lords; the house of Peers seemed to think, that their members had been impeached by the Commons, without a serious intention to prosecute the charge against them. And therefore on *May* the 5th, their Lordships sent this quickening message to the Commons, by Sir *Robert Legard*, and Sir *Richard Holford*.

Mr. *Speaker*,

‘ The Lords have commanded us to acquaint this
‘ house, that they having on the first day of *April*
‘ last, sent up to their Lordships an impeachment
‘ against *William* Earl of *Portland*, of high crimes
‘ and misdeameanors; and having also on the fif-
‘ teenth day of the same month, severally impeached
‘ *John* Lord *Somers*, *Edward* Earl of *Orford*, and
‘ *Charles* Lord *Hallifax*, of high crimes and mis-
‘ demeanors: Their Lordships think themselves
‘ obliged to put this house in mind, that as yet
‘ no particular articles have been exhibited against
‘ the said Lords; which after impeachments, have
‘ been so long depending, is due in justice to the
‘ persons concerned, and agreeable to the methods
‘ of a Parliament in such cases.’

The Commons ashamed to be upbraided with delay, in a matter wherein they had appeared so forward, sent answer, that articles against the Lords impeached were preparing, and in a short time should be sent up to the house of Lords. So on *May* the 9th, to begin their own way, the Commons, by Colonel *Bierly*, sent up articles against *Edward* Earl of *Orford*, in maintenance of their impeachment.

1. That

Articles of
impeach-
ment against
the Earl of
Orford.

1. That in a long and expensive war, the said Earl always preferring his private interest to the good of the publick, in violation of his duty and trust, had procured from his Majesty one or more grant or grants of several manors, messuages, &c. and also exorbitant sums of money.—To which the Earl answered, ‘ That he having for several years rendered to his Majesty his utmost service and duty as a good and loyal subject, his Majesty was graciously pleased, upon several occasions, to take notice of the same; and out of his wonted bounty, and his free will, was pleased to give to the Earl two grants, one a reversionary grant for years, of some houses; the other grant of the remainder of a gross sum, amounting to about 2000 *l.* a year for five years.’

2. That in breach of the trust reposed in him, whilst he was commander in chief of the navy royal of *England*, in or near the streights of *Gibraltar*, he did receive great sums of the publick money, which he converted to his own private use, and unlawfully procured a privy-seal, to discharge him from accounting to the publick for the same.—To which he answered, by denying the said facts, and saying, ‘ That he did make up, and upon oath pass his accounts for the monies imprest to him, and hath his *quietus est* in due course of law upon the same.’

3. That he did receive from the King of *Spain* and others, considerable sums of money, and great quantities of wine, oil, and other provisions for the fleet, which he ought to have accounted, but he converted the same to his own use: And for securing himself from rendring any account, he possess’d divers great offices inconsistent, and designed as checks one upon the other.—To which the Earl answered, ‘ That whatever he received from the King of *Spain*, or any other for the fleet, was duly delivered

‘livered and distributed amongst the officers and
‘seamen; and he denies, that he did enjoy any
‘offices inconsistent, or which ought to be checks
‘one upon the other.’

4. That he hath clandestinely, contrary to the law of nations, sold and disposed of several vessels, taken under pretence of prize, without condemnation or judicial proceedings, and converted the money to his own use.—To which he answered, by denying the fact, and saying, ‘That he did from time to time
‘give orders that the prizes taken should be care-
‘fully preserved, without embezzlement, and duly
‘proceeded against, and the product answered as
‘the law directs.’

5. That he presiding in the commission for executing the office of Lord High-Admiral of *England*, had discouraged and rejected the request and proposal of the company trading to the *East-Indies*, for suppressing piracies in the south-seas; and had procured a commission for one *William Kidd*, who had committed divers piracies and depredations on the high-seas, being thereto encouraged, through the hopes of being protected by the high station and interest of the said Earl.—To which he answered, ‘That he did never discourage or reject the companies request, unless it were by telling them, that
‘the Admiralty, by law, could not grant the same:
‘And as to the matter of *Kidd*, his commission
‘was according to law, and his expedition intended
‘for the publick good and service; and if he hath
‘committed any piracies, is answerable for the same;
‘he never being ordered or encouraged by the said
‘Earl so to do.’

6. That while the kingdom was under an apprehension of an immediate invasion from *France*, he, preferring his hopes of gain to himself, to the safety of the publick, did order Capt. *Stewart*, commander of the ship *Dutchess*, to deliver over, and put on board the said *Kidd*, a great number of able
seamen,

seamen, to the prejudice of the publick security, and to the endangering the said ship the *Dutchess*, if it had been attacked by the enemy.— To which he answered, ‘ That the men taken from on board the *Dutchess*, were but some of the very persons that were just before taken from on board of Captain *Kidd*, and returned by their own consent again, not being above twenty in number, and that, when all fears of an invasion were over and at an end.’

7. That during the war, he did, by misrepresentations, procure a grant or order for his Majesty’s ship the *Dolphin*, then fitted out, manned and equipped for the service of the publick, to be employed in a private voyage and undertaking, for the advantage of himself and others concerned with him.— To which he answered, ‘ That what was done therein, was done after the peace concluded and by his Majesty’s command, at the instance and request of other persons, and not of the said Earl, but contrary to his opinion.’

8. That during the time of his commanding the navy royal, he did through neglect, and in contempt of orders, unnecessarily hazard and expose the navy, and lose the opportunities of taking or destroying the *French* ships, and suffer them to return safe into their own harbours. — To which he answered, ‘ That he is not guilty of any neglect or omission of his duty herein, nor did expect in this particular to be charged therewith, considering his faithful services rendered against the *French* fleet.’

9. That he did, in concert with other false and evil counsellors, advise our sovereign Lord the King, in the year 1698, to enter into one treaty for dividing the monarchy and dominions of *Spain*, in pursuance whereof, in 1699. another treaty was entered into to the like purpose: Both which treaties were prejudicial to the interest of the protestant religion, &c. — To which he answered, He does

‘ deny that he did advise his Majesty to enter into
 ‘ the treaty of *Partition*; but so far as he was any
 ‘ ways acquainted therewith, he objected to, and
 ‘ gave his opinion against the same.’

10. That he was one of the Lords Justices, first Commissioner in the admiralty, Commander in chief of the navy, one of his Majesty’s Privy-Council, and treasurer of his Majesty’s navy; or in some or one of these stations, during the time that all and every the crimes before set forth were done and committed.—To which he answered, ‘ That his
 ‘ Majesty was pleased to intrust him in the several
 ‘ offices and stations, which he had discharged with
 ‘ loyalty, faithfulness, and zeal to his Majesty and
 ‘ and his people.’

On *May* the 19th, the Commons, by Mr. *Harcourt*, sent up articles of impeachment against *John Lord Somers*.

Articles
 against the
 Lord Somers.

1st. That well knowing the most apparent evil consequences, as well as the injustice of the *partition* of the *Spanish* monarchy, he did advise his Majesty to enter into a treaty for it; and did so far encourage and promote the same, that the said treaty was concluded and ratified in 1698, under the great seal of *England*, then in custody of the said Lord *Somers*.—To which his Lordship answered, in a full and plain account of all the steps of that treaty, referring himself to the letters on that subject between his Majesty and him (before-recited) ‘ wherein, as
 ‘ he conceived, he had fully and faithfully discharg-
 ‘ ed his trust, and the duty incumbent on him.’

2d, That for the more effectual carrying on the said treaty, commissions were prepared, amended, enlarged or altered, by the said Lord *Somers*, without any lawful warrant for his so doing; whereunto, without communicating the same to the rest of the then *Lords Justices* of *England*, or advising

ling with the *Privy Council*, he did presume to affix the great seal of *England*, with a blank for Commissioners names to be afterwards inserted.

3d, That having affixed the great seal without lawful warrant, in hopes of concealing that evil and most dangerous practice, after he had settled the said commissions, he used his endeavour to procure a warrant to be transmitted to him, for affixing the great seal, that it might not be known, but that he had it in due time—— To which second and third articles he answered, ‘ That having received his Majesty’s express commands, to send to his Majesty full power under the great seal, for negotiating the said treaty, with blanks for his Majesty’s Commissioners names, he thought it sufficient warrant for him so to do. And that he did afterwards desire his Majesty, that a particular warrant for signing the said commission might be signed and returned; not that he doubted his Majesty’s said letter to be a sufficient warrant, but for that such warrant would be more proper to be produced, if occasion should require.’

4th, That contrary to his duty, he affixed the great seal of *England* to the ratification of the said treaty in 1698, not having communicated the same to the rest of the then *Lords Justices*, or advised with the *Privy Council*, leaving one entire blank sheet, and many other blanks in the said ratification, with an intent to be afterwards filled up by other persons beyond the seas—— To which he answered, ‘ that Mr. secretary *Vernon* having prepared, by his Majesty’s commands, the instruments for ratification, with blanks therein, he did affix the great seal; which he conceives and is advised he might lawfully do, not communicating the same, because he had his Majesty’s command that the said treaty should be kept secret.’

5th, That in the year 1699, another treaty of partition was concluded and ratified under the great seal,

‘ deny that he did advise the said Lord Somers.
 ‘ the treaty of *Partition* highly injurious to t
 ‘ ways acquainted th gion, &c. —
 ‘ gave his opinion as draught of th
 ro. That he was refence of d

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‘ Maje something could
 ‘ offi jetty afterwards by wa
 ‘ lo and affix the great seal, being as
 ‘ obliged to do it.’

‘ That whereas by the laws and usages of this
 all commissions under the great seal, for the
 making any treaty or alliance, ought to be inrolled,
 and entred on record in the court of *Chancery*; he,
 the said Lord Somers, not minding the duty of his
 office, did not in any manner inroll, or enter on
 record, any of the said commissions or ratifications.
 — To which he answered, ‘ He conceives it was
 ‘ not incumbent upon him as Lord Chancellor, to see
 ‘ the commissions or ratifications inrolled; but the
 ‘ care of inrolling the same, if necessary, doth
 ‘ belong to the Prothonotary of the court of *Chan-*
 ‘ cery.’

7th, That the said Lord Somers, contrary to his
 oath as Lord Chancellor of *England*, did pass many
 great, unreasonable, and exorbitant grants, under
 the great seal, of divers Mannors, Lordships, &c.
 belonging to the crown of *England*; and did advise,
 promote, and procure divers like grants of the late
 forfeited estates in *Ireland*, in contempt of the advice
 of the Commons of *England*. — To which he
 answered, ‘ He doth acknowledge, he did pass se-
 ‘ veral grants, &c. but the same were regularly
 ‘ passed through the proper offices, and brought
 ‘ with sufficient warrants for the great seal; and
 ‘ believes,

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8th, That he

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but denies, he did ever beg,

procure any grant whatsoever for his Majesty,

but what his Majesty pleased to give him the said

ceeded from his Majesty's own motion, and

mere bounty; and, as his Majesty was pleased

declare upon that occasion, as an evidence of the

gracious acceptation of the said Lord Somers's zea-

lous endeavours for his service.'

9th, That in order to procure a grant of the said fee-farm rents, he did enter into several treaties, and had many communications with the auditor of the rates, and with the clerk of the Trustees for sale of the said rents; and contracted and agreed with them, as a reward for their discovery, one full fourth part of all such rents so discovered.

10th, That notwithstanding the said pretended contracts, there was not any sum of money really paid, but the contracts and payments colourably and fraudulently contrived, in deceit of his Majesty, and elusion of the acts of Parliament.— To which ninth and tenth articles he answered, ' That after his Majesty had given directions to the Lords of the treasury, for granting fee-farm rents to the benefit of him and his heirs; his Majesty's intended bounty would have been lost, without information could be gained of such particular rents: And therefore application was made to the said auditor

seal, then in the custody of the said Lord *Somers*, dishonourable to his Majesty, highly injurious to the interest of the protestant religion, &c. — To which he answered, ‘ That a draught of the said
‘ treaty being read over in the presence of divers of
‘ the Lords of the Privy Council, He the said Lord
‘ *Somers*, as well as others then present, did make several objections; but they were informed by his
‘ Majesty’s plenipotentiaries for transacting this treaty, who were also then present, that the said treaty
‘ was so far perfected, that nothing could be altered therein; and his Majesty afterwards by warrant
‘ so requiring, he did affix the great seal, being as
‘ he conceives obliged to do it.’

6th, That whereas by the laws and usages of this realm, all commissions under the great seal, for the making any treaty or alliance, ought to be inrolled, and entred on record in the court of *Chancery*; he, the said Lord *Somers*, not minding the duty of his office, did not in any manner inroll, or enter on record, any of the said commissions or ratifications. — To which he answered, ‘ He conceives it was
‘ not incumbent upon him as Lord Chancellor, to see
‘ the commissions or ratifications inrolled; but the
‘ care of inrolling the same, if necessary, doth
‘ belong to the Prothonotary of the court of *Chancery*.’

7th, That the said Lord *Somers*, contrary to his oath as Lord Chancellor of *England*, did pass many great, unreasonable, and exorbitant grants, under the great seal, of divers Mannors, Lordships, &c. belonging to the crown of *England*; and did advise, promote, and procure divers like grants of the late forfeited estates in *Ireland*, in contempt of the advice of the Commons of *England*. — To which he answered, ‘ He doth acknowledge, he did pass several grants, &c. but the same were regularly
‘ passed through the proper offices, and brought
‘ with sufficient warrants for the great seal; and
‘ believes,

‘ believes more considerable grants have passed in
‘ like number of years, in most of his predeces-
‘ sors times.

8th, That he did not only receive, and enjoy the fees, profits and perquisites, belonging to the great seal, but had received an annual pension from the crown of 4000 *l.* and had further begged and procured for his own benefit, many great, unreasonable, and exorbitant grants of revenues belonging to the crown of *England*—— To which he answered,

‘ That the annual pension or allowance of 4000 *l.*
‘ had been allowed to several of his predecessors;
‘ but denies, he did ever beg, or use any means to
‘ procure any grant whatsoever for his own benefit;
‘ but what his Majesty pleased to give him, pro-
‘ ceeded from his Majesty’s own motion, and of his
‘ mere bounty; and, as his Majesty was pleased to
‘ declare upon that occasion, as an evidence of the
‘ gracious acceptation of the said Lord *Somers*’s ze-
‘ lous endeavours for his service.’

9th, That in order to procure a grant of the said fee-farm rents, he did enter into several treaties, and had many communications with the auditor of the rates, and with the clerk of the Trustees for sale of the said rents; and contracted and agreed with them, as a reward for their discovery, one full fourth part of all such rents so discovered.

10th, That notwithstanding the said pretended contracts, there was not any sum of money really paid, but the contracts and payments colourably and fraudulently contrived, in deceit of his Majesty, and elusion of the acts of Parliament.— To which ninth and tenth articles he answered, ‘ That after his Ma-
‘ jesty had given directions to the Lords of the
‘ treasury, for granting fee-farm rents to the benefit
‘ of him and his heirs; his Majesty’s intended
‘ bounty would have been lost, without information
‘ could be gained of such particular rents: And
‘ therefore application was made to the said auditor

‘ and clerk, as the most likely to give information
 ‘ therein ; but they did refuse to give any account of
 ‘ such rents, unless they might have near a fourth
 ‘ part for so doing ; which the said Lord *Somers*
 ‘ did, as he conceives he lawfully might, comply
 ‘ with. And there was not any sum of money paid,
 ‘ as the consideration of the grants of the said rents,
 ‘ but the contracts were made, and the payment dis-
 ‘ charged, without any deceit of his Majesty, or elu-
 ‘ sion of the acts of Parliament.’

11th, That many rents standing in charge for payment of pensions, stipends, salaries, annuities, alms, and allowances for schools, churches, bridges, &c. and many quit-rents of manors united and annexed to the castle of *Windsor*, for support of the same, and maintenance of the officers, servants, and attendants in the said castle, were conveyed by the said trustees, through the direction and power of the said Lord *Somers*, contrary to the true intent and meaning of the said acts of Parliament, to the great vexation and oppression of many of his Majesty’s good subjects, and creating many new and unreasonable charges on other revenues of the crown.
 — To which he answered, ‘ That some things
 ‘ might be inserted by mistaken informations, and
 ‘ not out of any design ; he denies that as to his
 ‘ knowledge or belief, any of the said rents were
 ‘ ever united or annexed to the castle of *Windsor*,
 ‘ for any purpose whatsoever ; or that any oppression
 ‘ or vexation hath happened ; and little or no new
 ‘ charge to the crown.’

12th, That by the direction of the said Lord *Somers*, the persons in whose names the purchases were made, did surrender several of the said rents to them granted, amounting to the yearly value of 347 l. 11 s. 5 d. on suggestion of wrong conveyance ; and procured other rents of the yearly value of 391 l. 3 d. to be allowed by way of reprice, as if the said rents so surrendered had been really and

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bona fide purchased—— To which he answered,
 ‘ That the Trustees for sale of the fee-farm rents,
 ‘ by warrant of the Commissioners of the Treasury,
 ‘ did grant divers other rents, amounting to 391 *l.*
 ‘ in lieu and reprize of the 347 *l.* having appeared
 ‘ to be granted before, or not grantable by the said
 ‘ Trustees, or not leviable on surrenders of such
 ‘ rents; which he conceives might be and was law-
 ‘ fully done.’

13th, That in the year 1695, the said Lord
Somers, being then Lord Keeper, procured a Com-
 mission to be granted to one *William Kidd*, a person
 of evil fame and reputation, and since that time con-
 victed of piracy; and in a grant from his Majesty,
 of ships, vessels and goods to be taken by the said
William Kidd, unto *Richard Earl Bellamont*, *Edmund*
Harrison, merchant, *Samuel Newton*, Gent. and o-
 thers, the name of the said *Samuel Newton* was used
 in trust, and for the only benefit and advantage of
 the said Lord *Somers*—— To which he answered,
 ‘ That the said *William Kidd* had from his Majesty a
 ‘ Commission for preventing the piracy of others,
 ‘ and to apprehend certain Pirates, and bring them
 ‘ to a legal trial; the granting of which Commis-
 ‘ sion was then apprehended to be necessary for the
 ‘ preservation of trade and navigation. He does ad-
 ‘ mit there was a grant to the Earl of *Bellamont*, *Ed-*
 ‘ *mund Harrison*, and *Samuel Newton*, who was
 ‘ named by and in trust for the said Lord *Somers*, of
 ‘ ships and goods, taken by the said *William Kidd*,
 ‘ with account to be duly made to the use of his Ma-
 ‘ jesty, of a clear tenth part, whereby the publick
 ‘ might have received benefit, had the said *Kidd*
 ‘ faithfully discharged the trust, which he failing to do,
 ‘ the owners of the said ship have lost all their
 ‘ expences.’

14th, That as Lord Chancellor, he had, in seve-
 ral causes depending before him, by many extraor-
 dinary methods, and unwarrantable practices, for se-

veral years, delayed proceedings in the said causes; and by colour of his office, had made divers arbitrary and illegal orders, and had, of his own authority, reversed judgments given in the court of *Exchequer*, without calling the Barons before him: And had declared and affirmed in publick places of judicature, that particular subjects might have rights, and interests, without any remedy for recovery of the same, unless by petition to the person of the King only, or to that effect: Which position was highly dangerous to the legal constitution of this kingdom, and absolutely destructive to the property of the subject.

To which he answered, ‘ That he did not delay
 ‘ any proceedings longer, or otherwise than as the
 ‘ circumstances and justice of each cause required;
 ‘ nor did he ever make any arbitrary or illegal order, or ever reverse any judgment given in the
 ‘ court of *Exchequer*, otherwise than as is warranted and allowed by the law: Nor did ever deliver
 ‘ any position whatsoever, dangerous to the legal
 ‘ constitution, or destructive to the property of the
 ‘ subjects.’

A copy of the Lord *Somers’s* answer was with great dispatch delivered to the Commons on *May* the 24th. In the mean time, on the 21st, the Lords had sent down this message.

Mr. *Speaker*,

‘ The Lords command us to acquaint this house,
 ‘ that their Lordships having been desired by the
 ‘ Earl of *Orford*, that a day might be appointed
 ‘ for his speedy trial, their Lordships finding no
 ‘ issue joined by replication of this house, think fit
 ‘ to give notice thereof to this house:

‘ They also commanded us to acquaint this house,
 ‘ that they having, on the first of *April* last, sent up
 ‘ an

‘ an impeachment to their Lordships, against *Wil-*
 ‘ *liam* Earl of *Portland*, for high crimes and misde-
 ‘ meanors; and having also, on the 15th, of the
 ‘ same month, impeached *Charles* Lord *Hallifax*,
 ‘ for high crimes and misdemeanors; and there
 ‘ being as yet no particular articles exhibited against
 ‘ the said Lords, their Lordships think themselves
 ‘ obliged to put this house in mind thereof; which
 ‘ after impeachments have so long depended, is a
 ‘ hardship to the persons concerned, and not agree-
 ‘ able to the usual methods and proceedings of Par-
 ‘ liaments in such cases.’

The Commons prepared this replication to my
 Lord of *Orford*’s answer.

‘ The Commons have considered the answer of
 ‘ *Edward* Earl of *Orford*, to the articles of impeach-
 ‘ ment exhibited against him by the Knights, Citi-
 ‘ zens and Burgeesses assembled in Parliament, and
 ‘ do aver their charge of high crimes and misde-
 ‘ meanors against him to be true, and that the said
 ‘ Earl is guilty in such manner as he stands accused
 ‘ and impeached; and that the Commons will be
 ‘ ready to prove their charge against him, at such
 ‘ convenient time as shall be appointed for that
 ‘ purpose.’

Replication
 of the Com-
 mons to the
 Earl of *Or-*
ford.

And, on the 31st, they sent this answer to the
 Lords.

‘ I N answer to your Lordships message of the
 ‘ 21st instant, the Commons have prepared a
 ‘ replication to the Earl of *Orford*’s answer to the
 ‘ articles of impeachment of high crimes and mis-
 ‘ demeanors, exhibited against him; and at present
 ‘ defer bringing it up to your Lordships, because in
 ‘ the trial of the several impeachments now depend-
 ‘ ing, the Commons think it most proper, from
 ‘ the

Their an-
 swer to the
 Lords.

‘ the nature of the evidence that will be given at
 ‘ the said trials, to begin with the trial of the im-
 ‘ peachment of *John Lord Somers*, of high crimes
 ‘ and misdemeanors.

‘ And as to your Lordships other message, the
 ‘ Commons take it to be without precedent and un-
 ‘ parliamentary: They, as prosecutors, having a
 ‘ liberty to exhibit their articles of impeachment in
 ‘ due time, of which they, who are to prepare
 ‘ them, are the proper judges; and therefore, for
 ‘ your Lordships to assert, that having not yet ex-
 ‘ hibited particular articles against *William Earl of*
 ‘ *Portland*, and *Charles Lord Hallifax*, is a hardship
 ‘ to them, and not agreeable to the usual methods
 ‘ and proceedings in Parliament in such cases,
 ‘ does, as they conceive, tend to the branch of that
 ‘ good correspondence betwixt the two houses,
 ‘ which ought to be mutually preserved.

On the same day, 31st May, Sir *John Hoskyns*,
 and Sir *Robert Legard* brought this message to the
 Commons.

Mr. Speaker,

Day ap-
 pointed for
 the trial of
 the Earl of
Orford.

‘ The Lords have commanded us to acquaint this
 ‘ house, that their Lordships have appointed *Mon-*
 ‘ *day* the 9th day of *June* next, for the trial of
 ‘ *Edward Earl of Orford*, upon the articles brought
 ‘ up against him by this house in *Westminster-Hall*,
 ‘ and that this house may reply, if they think fit.

‘ They have also commanded us to acquaint this
 ‘ house that this house having, on the first day of
 ‘ *April* last, sent up to their Lordships an impeach-
 ‘ ment against *William Earl of Portland*, for high
 ‘ crimes and misdemeanors; and having also, on the
 ‘ 15th day of the same month, impeached *Charles*
 ‘ *Lord Hallifax* for high crimes and misdemean-
 ‘ ors; and there being as yet no particular articles
 ‘ exhibited against the said Lords, their Lordships
 ‘ think

‘ think themselves obliged to put this house in mind
 ‘ thereof; which after impeachments have so long
 ‘ depended, is a hardship to the persons concerned,
 ‘ and not agreeable to the usual methods of Parlia-
 ‘ ment in such cases.’

The Commons, on the 5th of *June*, returned this
 answer.

‘ **T**HE Commons, on consideration of your Answer of
the Com-
mons.
 ‘ Lordships message to them of the 31st of
 ‘ *May*, concerning the Earl of *Orford*, think it
 ‘ their undoubted right, when several persons stand
 ‘ impeached before your Lordships, to bring to tri-
 ‘ al such of them in the first place, as the com-
 ‘ mons apprehend, from the nature of the evidence,
 ‘ ought first to be proceeded against, to the intent
 ‘ all such offenders may in due time be brought to
 ‘ justice; and that no day ought to be appointed by
 ‘ your Lordships for the trial of any impeachment
 ‘ by the Commons, without some previous signifi-
 ‘ cation to your Lordships from the Commons, of
 ‘ their being ready to proceed thereon.

‘ The Commons could not receive this message
 ‘ from your Lordships, without the greatest sur-
 ‘ prize; your Lordships proceedings in this case,
 ‘ being neither warranted by proceedings, no (as
 ‘ the Commons conceive) consistent with the me-
 ‘ thods of justice, or with reason: Wherefore the
 ‘ Commons cannot agree to the day appointed by
 ‘ your Lordships, for the trial of the Earl of *Or-*
 ‘ *ford*.

‘ As to your Lordships message at the same time,
 ‘ relating to the Earl of *Portland*, and *Charles Lord*
 ‘ *Hallifax*, the commons take the same to be with-
 ‘ out precedent, and unparliamentary; and conceive
 ‘ your Lordships frequent repetition thereof, in a
 ‘ short time, after the Commons had transmitted to
 ‘ your Lordships their articles against two of the
 ‘ impeached

‘ impeached Lords, and were daily preparing their
 ‘ articles against the others, manifestly tends to the
 ‘ delay of justice in obstructing the trials of the im-
 ‘ peached Lords, by introducing disputes, in breach
 ‘ of that good correspondence between the two houses,
 ‘ which ought inviolably to be preserved.’

In the mean time, the Lords, on the fourth, ac-
 costed them with another message to this purpose.

Mr. *Speaker*,

Message
from the
Lords,

‘ The Lords do think fit, upon occasion of the
 ‘ message from this house of the 21st of *May*, to
 ‘ acquaint this house, that having been desired by
 ‘ the Lord *Somers*, that a day may be appointed for
 ‘ his speedy trial, and their Lordships finding no
 ‘ issue joined by replication of the house of Com-
 ‘ mons, judge it proper to give them notice thereof,
 ‘ that the Commons may reply if they think fit.
 ‘ And at the same time, their Lordships let the Com-
 ‘ mons know, that they will proceed to the trial of
 ‘ any of the impeached Lords whom the Commons
 ‘ shall be first ready to begin with, so as there may
 ‘ be no occasion taken from thence, for any unreason-
 ‘ able delay in the prosecution of any of them: And
 ‘ further to acquaint them, having searched their
 ‘ own Journals, they do not find, that after a general
 ‘ impeachment, there has ever been so long a delay
 ‘ of bringing up the particular articles of impeach-
 ‘ ment, fitting the Parliament: And therefore the
 ‘ Lords do think, they had reason to assert, that it
 ‘ was a hardship to the two Lords concerned (especi-
 ‘ ally when their Lordships had put the house of
 ‘ Commons in mind of exhibiting such articles) and
 ‘ not agreeable to the usual proceedings in Parliament.
 ‘ And as the Lords do not controvert what right the
 ‘ Commons may have, of impeaching in general
 ‘ terms, if they please; so the Lords, in whom the
 ‘ judicature does entirely reside, think themselves
 ‘ obliged to assert, that the right of limiting a con-
 ‘ venient

‘ venient time for bringing the particular charge before them, for the avoiding delay in justice, is lodged in them.

‘ The Lords hope, the Commons, on their part, will be as careful not to do any thing, that may tend to the interruption of the good correspondence between the two houses, as the Lords shall ever be on their part; and the best way to preserve that, is, for neither of the two houses to exceed those limits, which the law and custom of Parliament have already established.’

The Commons hereupon, *June* the sixth, desired a conference with the Lords, upon the subject-matter of the said message; at which Mr. *Harcourt* delivered himself in this manner.

‘ **T**H E Commons have desired this conference, upon your Lordships message of the fourth of *June*, in order to preserve a good correspondence with your Lordships, which will always be the endeavour of the Commons, and is at this time particularly necessary, in order to bring the impeached Lords to a speedy trial. And because the messages which your Lordships have thought fit to send to the Commons, and the answers thereunto, seem not to tend towards expediting the trials, which the Commons so much desire, but may rather furnish matter of dispute between the two houses; the Commons therefore chuse to follow the methods formerly used with good success upon the like occasion; and for the more speedy and easy adjusting and preventing any differences which have already happened, or may arise, previous to, or upon those trials, the Commons do propose to your Lordships, that a Committee of both houses be nominated, to consider of the most proper ways and methods of proceeding on impeachments,

Conference.

‘ peachments, according to the usage in Parliaments
 ‘ in such cases.’

The conference being ended, the Lords, on the ninth, sent the following message to the Commons.

Message
 from the
 Lords.

‘ **I**N answer to the message of the house of Com-
 ‘ mons of the fourth instant, the Lords say, by
 ‘ their message sent on the third, wherein they de-
 ‘ clare themselves ready to proceed to the trial of any
 ‘ of the impeached Lords, whom the Commons
 ‘ shall be first ready to begin with; they have given
 ‘ a full proof of their willingness to comply with the
 ‘ Commons, in any thing which may appear reason-
 ‘ able, in order to the speedy determining of the
 ‘ impeachments now depending; and therefore, as
 ‘ the Lords conceive, the Commons had no oc-
 ‘ casion to begin the dispute on that head, so their
 ‘ Lordships decline entering into a controversy,
 ‘ which seems to them to be of no use at present.

‘ The Lords think themselves obliged to assert
 ‘ their undoubted right, to appoint a day for the
 ‘ trial of any impeachment depending before them,
 ‘ if they see good cause for it, without any previous
 ‘ signification from the Commons of their being
 ‘ ready to proceed; which right is warranted by
 ‘ many precedents, as well as consonant to justice
 ‘ and reason. And their Lordships, according to
 ‘ the example of their ancestors, will always use that
 ‘ right, with a regard to the equal and impartial ad-
 ‘ ministration of justice, and with a due care to pre-
 ‘ vent unreasonable delays.

‘ This being the case, the Lords cannot but won-
 ‘ der, that the Commons, without any foundation
 ‘ for it, should make use of expressions, which, as
 ‘ their Lordships conceive, have never been used
 ‘ before by one house of Parliament to another, and
 ‘ which, if the like were returned, must necessarily
 ‘ destroy

‘ destroy all good correspondence between the two
‘ houses.

‘ The last part of the Commons message, being
‘ in effect, a repetition only of their former of the
‘ 21st of *May*, to which the Lords have already
‘ returned a full answer, their Lordships think it not
‘ requisite to say any more, than that they cannot
‘ apprehend with what colour their calling upon the
‘ house of Commons, to send up articles against
‘ two Lords, whom the Commons have so long
‘ impeached in general terms, can be said to tend to
‘ the delay of justice. And therefore, as the Lords
‘ think the Commons ought to have forbore that re-
‘ flection, so their Lordships, in saying no more
‘ upon the occasion of this message of the Commons,
‘ think they have given a convincing proof of their
‘ moderation, and of their sincere desire of preserv-
‘ ing a good correspondence between the two houses;
‘ which is so necessary for the publick security, as
‘ well as doing right upon the impeachment.’

The Commons answered them next day to this
effect.

‘ **T**H E Commons, in hopes of avoiding all in-
‘ terruptions and delays, in proceeding against
‘ the impeached Lords, and the many inconve-
‘ niencies which might arise thereby, having pro-
‘ posed to your Lordships, at a conference, that a
‘ Committee of both houses might be nominated, to
‘ consider of the most proper ways and methods of
‘ proceeding on impeachments, think, they might
‘ justly have expected your Lordships compliance
‘ with their said proposition, instead of your Lord-
‘ ships answer to their message of the fourth instant,
‘ which they yesterday received. In which answer
‘ of your Lordships, though many matters of great
‘ exception are contained, a suitable reply where-
‘ unto would inevitably destroy all good correspon-
‘ dence

Answer of
the Com-
mons.

‘ dence between the two houses; yet the Commons,
 ‘ from an earnest desire to preserve the same, as well
 ‘ as to give the most convincing proof of their mo-
 ‘ deration, and to shew their readiness to bring the
 ‘ impeached Lords to speedy justice, at present in-
 ‘ sist only on their proposition, of both houses to
 ‘ settle and adjust the necessary preliminaries to the
 ‘ trials; particularly, whether the impeached Lords
 ‘ shall appear at their trials at your Lordships bar as
 ‘ criminals? Whether being under accusations for
 ‘ the same crimes, they are to sit as judges on each
 ‘ others trials for those crimes, or can vote in their
 ‘ own cases, as we find by your Lordships journal,
 ‘ since their being impeached, they have been ad-
 ‘ mitted to do? Which matters, and some others,
 ‘ being necessary to be adjusted, the Commons can-
 ‘ not but insist on a Committee of both houses to be
 ‘ appointed for that purpose: The departing from
 ‘ which, would be giving up the rights of the Com-
 ‘ mons of *England*, known by unquestionable pre-
 ‘ cedents, and the usage of Parliament, and making
 ‘ all impeachments, (the greatest bulwark of the
 ‘ laws and liberties of *England*) impracticable for the
 ‘ future.’

The Lords hereupon entered into a debate, whe-
 ther they should appoint a Committee, in pursuance
 of the Commons desire; and having carried it in
 the negative, yet desired a present conference with
 them, which was managed by the Duke of *Devon-*
shire, who acquainted them:

Conference
 with the
 Commons.

‘ **T**HAT the Lords have desired this confe-
 ‘ rence, upon occasion of the last conference;
 ‘ in order to preserve a good correspondence with
 ‘ the house of Commons, which they shall always
 ‘ endeavour.

‘ As to the late messages between the two houses,
 ‘ their Lordships are well assured, that on their part

‘ nothing has passed, but what was agreeable to the
 ‘ methods of Parliament, and proper to preserve
 ‘ that good understanding between both houses,
 ‘ which is necessary for the carrying on of the pub-
 ‘ lick business.

‘ As to the proposal of the Commons, that a Com-
 ‘ mittee of both houses should be appointed, to con-
 ‘ sider of the ways and methods of proceedings on
 ‘ impeachments, their Lordships cannot agree to it.

‘ 1. Because they do not find that ever such a
 ‘ Committee was appointed, on occasion of impeach-
 ‘ ments for misdemeanors; and their Lordships
 ‘ think themselves obliged to be extremely cautious
 ‘ in admitting any thing new in matters relating to
 ‘ judicature.

Reasons
for not ap-
pointing a
Committee.

‘ 2. That although a Committee of this nature
 ‘ was agreed to upon the impeachments of the Earl
 ‘ of *Danby*, and the five popish Lords for high trea-
 ‘ son, yet it was upon occasion of several conside-
 ‘ rable questions and difficulties, which did then
 ‘ arise. And their Lordships do not find that the
 ‘ success in that instance was such, as should encou-
 ‘ rage the pursuing the same methods again; tho’ in
 ‘ the like case: The Lords observing, that after
 ‘ much time spent at that Committee, the disputes
 ‘ were so far from being there adjusted, that they
 ‘ occasioned an abrupt conclusion of a session of Par-
 ‘ liament.

‘ 3. Their Lordships are of opinion, that the me-
 ‘ thods of proceedings on impeachments for misde-
 ‘ meanors, are so well settled by the usage of
 ‘ Parliaments, that they do not foresee any diffi-
 ‘ culties likely to happen; at least none have been
 ‘ yet started to them: And all the preliminaries in
 ‘ the case of *Stephen Goudett*, and others (which
 ‘ was the last instance of impeachments for misde-
 ‘ meanors) were easily settled and agreed to, with-
 ‘ out any such Committee.

‘ 4. The Lords cannot but observe, that this
 ‘ proposal of the Commons comes so very late, that
 ‘ their Lordships can expect no other fruit of such a
 ‘ Committee, but the preventing the trials during
 ‘ this session.

‘ The Lords assure the Commons, that in case
 ‘ any difficulties shall arise in the progress of (these
 ‘ trials, (which their Lordships do not foresee) they
 ‘ will be ready to comply with the Commons in re-
 ‘ moving them, as far as justice, and the usage of
 ‘ Parliament will admit.’

The Commons on the 11th, desired a free conference on the subject matter of the last; and at the same time, drew up an answer to their Lordships other message, on *Monday*, about their appointing *Friday* the 13th, for the trial of the Lord *Somers*; which was to this effect.

Free Con-
 ference.

‘ The Commons on *Monday* last (which was the
 ‘ 9th.) received a message from your Lordships,
 ‘ that your Lordships had appointed the trial of *John*
 ‘ Lord *Somers*, upon *Friday* next, on their impeach-
 ‘ ment against him; in which they observe, your
 ‘ Lordships have not nominated any place for his
 ‘ trial, though your Lordships thought fit to make
 ‘ that matter, on the last impeachment for a misde-
 ‘ meanor, the subject of a long debate.

‘ And they cannot but take notice, that your
 ‘ Lordships have taken as long a time, to give your
 ‘ answer, to the Commons desire of a Committee
 ‘ of both houses, delivered at a conference on *Friday*
 ‘ last, as you are pleased to allow the Commons to
 ‘ have, of the day appointed by your Lordships for
 ‘ the said trial.

‘ Your Lordships appointing so short a day, es-
 ‘ pecially whilst the proposition made to your Lord-
 ‘ ships for a Committee of both houses was undeter-
 ‘ mined, the Commons take to be such a hardship

‘ to them, and such an indulgence to the person ac-
 ‘ cused, as is not to be parallel’d in any Parlia-
 ‘ mentary proceedings.

‘ The Commons must likewise acquaint your
 ‘ Lordships, that their experience of the interruption
 ‘ of a former trial on an impeachment for misde-
 ‘ meanors, for want of settling the preliminaries be-
 ‘ tween the two houses, obliges them to insist on a
 ‘ Committee of both houses, for preventing the like
 ‘ interruption.

‘ And they conceive it would be very preposterous
 ‘ for them to enter upon the trial of any of those
 ‘ Lords, till your Lordships discover some inclina-
 ‘ tion to make the proceedings thereupon practicable ;
 ‘ and therefore, they think they have reason to insist
 ‘ upon another day to be appointed, for the trial of
 ‘ the Lord *Somers*. And the Commons doubt not
 ‘ but to satisfy your Lordships at a free conference,
 ‘ of the necessity of having a Committee of both
 ‘ houses, before they can proceed upon the said
 ‘ trial.’

On Thursday *June* the 12th, His Majesty came to
 the house of Peers, and after giving the royal
 assent to several bills, made the following speech
 to both houses.

My Lords and Gentlemen,

‘ **I** Return you my hearty thanks for the care you
 ‘ have taken to establish the succession to the crown
 ‘ in the protestant line : And I must not lose this oc-
 ‘ casion of acquainting you, that I am likewise ex-
 ‘ tremely sensible of your repeated assurances of sup-
 ‘ porting me in such alliances, as shall be most proper
 ‘ for the preservation of the liberty of *Europe*, and
 ‘ for the security of *England* and *Holland*. Your
 ‘ ready compliance with my desires, as to the succours
 ‘ for the States-General, is also a great satisfaction to
 ‘ me as well as a great advantage to the common

King's
Speeches

‘ cause. And as I have nothing so much at heart, as
 ‘ the preservation of the liberty of *Europe*, and the
 ‘ honour and interest of *England*, so I make no doubt
 ‘ of attaining those great ends, by the blessing of
 ‘ God, and the continuance of your chearful concur-
 ‘ rence.

My Lords and Gentlemen,

‘ The season of the year makes it necessary to have
 ‘ a speedy recets; and the posture of affairs abroad
 ‘ does absolutely require my presence, for the encour-
 ‘ agement of our allies, and for the perfecting of such
 ‘ alliances as may be most effectual for the common
 ‘ interest: And therefore I must recommend a dis-
 ‘ patch of the publick business, especially of those
 ‘ matters which are of the greatest importance.’

The Commons were willing to interpret this speech, as an approbation of their proceedings in respect of their contest with the Lords; and therefore agreed upon this address to his Majesty.

Most gracious Sovereign,

Address of
the Com-
mons.

‘ **W**E your Majesty’s most dutiful and loyal
 ‘ subjects, the Commons in Parliament as-
 ‘ sembled, do, with all imaginable chearfulness,
 ‘ return your Majesty our most humble thanks for
 ‘ your most gracious speech from the throne, in
 ‘ which your Majesty is pleased to express your royal
 ‘ approbation of the proceedings of your Commons.
 ‘ And we do further unanimously assure your Ma-
 ‘ jesty, that we will be ready on all occasions to
 ‘ assist your Majesty, in supporting such alliances as
 ‘ your Majesty shall think fit to make, in conjunction
 ‘ with the Emperor and the States-General, for the
 ‘ preservation of the liberties of *Europe*, the prof-
 ‘ perity and peace of *England*, and for reducing
 ‘ the exorbitant power of *France*.’

When

When this address was presented on *Friday, June the 13th*, the King gave this answer to mollify and to oblige in the wisest manner.

Gentlemen,

I Thank you heartily for the unanimous assurances King's Answer.
you have given me of your readiness to assist me, in supporting such alliances as I shall make in conjunction with the Emperor and the States-General. It will be a good encouragement to them, to find the sense of this kingdom so fully expressed on this occasion, and will likewise contribute most effectually, to the obtaining those great ends you have now mentioned, on which the happiness of Europe does so much depend.

But to return again to the contests between the two houses. The Lords on the same day the King made this speech, had sent this message to the Commons by *Dr. Newton* and *Mr. Gery*.

I N answer to the message from the house of Commons of the tenth instant, the Lords say, Contests between the two houses.
 that although they take it to be unparliamentary in many particulars, yet to shew their real desire of avoiding disputes, and removing all pretence of delaying the trials of the impeached Lords, they will only take notice of that part of their message, wherein the Commons propose some things as difficulties in respect of the trials; which matters relating wholly to their judicature, and to their rights and privileges, as Peers, they think fit to acquaint the Commons with the following resolutions of the house of Lords.

1. *That no Lord of Parliament, impeached for high crimes and misdemeanors, and coming to his trial, shall, upon this trial, be without the bar.*

‘ 2. *That no Lord of Parliament, impeached for
‘ high crimes and misdemeanors, can be precluded from
‘ voting on any occasion, except in his own trial.*

‘ Their Lordships further take notice of a mi-
‘ stake in point of fact, alledged in the message of
‘ the Commons; it no way appearing upon their
‘ journal, that the Lords impeached have voted in
‘ their own case.

‘ The Lords being well assured, that all the steps
‘ that have been taken by them in relation to these
‘ impeachments, are warranted by the practice of
‘ their ancestors, and the usage of Parliament, have
‘ reason to expect the trials should proceed without
‘ delay.’

Also that they are commmanded by the Lords to
acquaint this house, that,

‘ In answer to the message of the house of Com-
‘ mons yesterday, the Lords say, that they cannot
‘ give a greater evidence of their sincere and hearty
‘ desires, of avoiding all differences with the house of
‘ Commons, and of proceeding on the trials of the
‘ impeachments, than by not taking notice of the
‘ several just exceptions, to which that message is
‘ liable, both as to the matter and the expressions.

‘ The Lords have nothing farther from their
‘ thoughts, than the going about to do any thing,
‘ which might have the least appearance of hardship
‘ with relation to the Commons.

‘ But the answer of the Lord *Somers* to the articles
‘ exhibited against him, having been sent down to
‘ the Commons on the 24th of *May* last, and they
‘ having, by their message of the 21st of *May*, sig-
‘ nified to their Lordships, their intention of begin-
‘ ning with the trial of his impeachment in the first
‘ place :

‘ The Lords, considering how far the session is
‘ advanced, thought it reasonable to appoint the
‘ 13th instant for the said trial, their Lordships find-
‘ ing

‘ ing several precedents of appointing trials on im-
 ‘ peachments within a shorter time.

‘ The Lords also think it incumbent upon them,
 ‘ to dispatch the trials of all the impeached Lords,
 ‘ before the rising of the Parliament. This it what
 ‘ justice requires, and cannot be looked upon as a
 ‘ matter of indulgence: Nevertheless, that the Com-
 ‘ mons may see how desirous their Lordships are to
 ‘ comply with them, in any thing which may be
 ‘ consistent with justice, they have appointed the
 ‘ trial of the impeachment against *John Lord Somers*,
 ‘ on *Tuesday* the 17th of this instant *June*, at ten of
 ‘ the clock in the forenoon, in the house of Lords,
 ‘ which will be then sitting in *Westminster-hall*.

‘ That they were commanded by the Lords to
 ‘ acquaint this house, that the Lords do agree to a
 ‘ free conference with the Commons, as desired;
 ‘ and do appoint to-morrow at one o’clock in the
 ‘ *painted chamber*.’

The Commons on the 13th made this answer
 to them.

‘ **T**H E house of Commons find greater reason
 ‘ to insist upon their proposal of a Committee
 ‘ of both houses, from the two messages received
 ‘ yesterday from your Lordships; for their ambi-
 ‘ guity and uncertainty do show the methods of
 ‘ former Parliaments, to be the most proper way
 ‘ for dispatch of business.

Answer of
 the Com-
 mons.

‘ The Commons have been obliged to employ
 ‘ that time in considering how to answer your Lord-
 ‘ ships messages, which otherwise would have been
 ‘ spent in preparing for the Lord *Somers*’s trial;
 ‘ so that the delay must be charged where the oc-
 ‘ casion ariseth. And the Commons having de-
 ‘ sired a Committee of both houses, to adjust the
 ‘ preliminaries of the trials, cannot but think it
 ‘ strange your Lordships should come into resolu-

‘ tions

‘ tions upon two of those points, while the pro-
‘ posal of the house of Commons is under debate, at
‘ conferences between the two houses; the Commons
‘ having other difficulties to propose, which concern
‘ them as prosecutors, and all future impeachments.

‘ And though the Commons have the subject of
‘ your Lordships resolutions, with other things, to
‘ be debated at a Committee of both houses; yet
‘ they cannot but observe, that your Lordships se-
‘ cond resolution is no direct answer to the Commons
‘ proposal; which was, whether Peers impeached
‘ of the same crimes, shall vote for each other upon
‘ their trial for the same crimes. And the Commons
‘ cannot believe, that any such rule can be laid
‘ down in plain words, where there is a due regard
‘ to justice.

‘ And as to what your Lordships observe, that
‘ there is a mistake in point of fact alledged by the
‘ Commons; the house may take notice of the cau-
‘ tion used by your Lordships, in wording that
‘ part of your message; for they know your Lord-
‘ ships are too well acquainted with the truth of the
‘ fact, to affirm that the impeached Lords did not
‘ vote in their own cases; and though the appearing
‘ or not appearing upon your Lordships journal,
‘ does not make it more or less agreeable to the
‘ rules of justice, yet the Commons cannot but add
‘ this further observation from your Lordships jour-
‘ nal, that the impeached Lords presence is not only
‘ recorded when those votes passed, but they also
‘ find some of them appointed of Committees, for
‘ preparing and drawing up the messages and an-
‘ swers to the house of Commons; which they do
‘ not think has been the best expedient for preserv-
‘ ing a good correspondence between the two houses,
‘ or adjusting what will be necessary upon these
‘ trials: And therefore the Commons cannot think
‘ it agreeable to the rules of Parliament, for them to
‘ appear

‘ appear at the trial, till all necessary preliminaries
‘ are first settled with your Lordships.’

Then the Commons went to the conference with the Lords, and Mr. *Harcourt* reported the matter thereof, and the words which the Lord *Haversham* had spoke thereat; which he read in his place, and afterwards delivered in at the Clerks table, where the same was read, and is as followeth, viz.

Report of
the confer-
ence.

‘ That the managers appointed by this house
‘ met the Lords at the free conference, the subject
‘ matter whereof was opened by Mr. *Harcourt*, and
‘ immediately afterwards further argued by Sir *Bar-*
‘ *tholomew Shower*.

‘ It was insisted on by each of them, that the
‘ reasons offered by their Lordships at the last con-
‘ ference, were not sufficient for their Lordships
‘ disagreeing to a Committee of both houses, desir-
‘ ed by the Commons at the first conference.

‘ That notwithstanding those reasons, the Com-
‘ mons still thought a Committee of both houses ab-
‘ solutely necessary, for adjusting and preventing
‘ such differences as had happened, or might arise
‘ previous to, or upon the trials; and therefore in-
‘ sisted, that such a Committee should be appoint-
‘ ed, before the Commons could proceed on any
‘ trial.

‘ ’Twas urged as one reason for such a Commit-
‘ tee, that many difficulties might happen, whereby
‘ the trials might be obstructed, if the prelimina-
‘ ries should not be first adjusted: As one instance,
‘ that point of several Lords being under impeach-
‘ ments of the same crimes, voting on each others
‘ trials, was mentioned.

‘ The Lord Steward first replied, and nothing
‘ was offered by his Grace, but what was material
‘ and pertinent to the matter in question, and agree-
‘ able

‘ able to the method of Parliament in free conferences. That *John Lord Haversham* spoke immediately after; and in his Lordships discourse, used these or the like expressions.’

Speech of
the Lord
Haversham.

One thing there is, though I cannot speak it, because I am bound up by the orders of the house, yet I must have some answer; this is, as to the Lords voting in their own case; it requires an answer, though I cannot go into the debate of it. The Commons themselves have made this precedent; for in these Impeachments they have allowed men guilty of the same crimes, to vote in their own house; and therefore we have not made any distinction in our house, that some should vote, and some not. The Lords have so high an opinion of the justice of the house of Commons, that they hope justice shall never be made use of as a mask for any design. And therefore give me leave to say (though I am not to argue it) 'tis a plain demonstration, that the Commons think these Lords innocent; and I think the proposition is undeniable; for there are several Lords in the same crimes, in the same facts, there is no distinction. And the Commons leave some of these men at the head of affairs, near the King's person, to do any mischief if they were inclined to it; and impeach others, when they are both alike guilty, and concerned in the same facts. This is a thing I was in hopes I should never have heard asserted, when the beginning of it was from the house of Commons.

‘ These expressions were instantly objected to by Sir Christopher Musgrave; and the managers took them to be so great an aspersion on the honour of this house, that they thought themselves obliged in duty immediately to withdraw from the free conference.’

‘ As the managers were withdrawing, his Grace my Lord Steward spoke to the effect following; that he hoped they would not think, that that Lord had any authority from the house of Lords, to use any such expressions towards the Commons.’

Resolved,

Resolved, That *John Lord Haversham* hath, at the free conference this day, uttered most scandalous reproaches, and false expressions, highly reflecting upon the honour and justice of the house of Commons, and tending to the making a breach in the good correspondence between the Lords and Commons, and to the interrupting the publick Justice of the nation, by delaying the proceedings on impeachments.

Resolved, That *John Lord Haversham* be charged before the Lords, for the words spoken by the said Lord this day at the free conference: And that the Lords be desired to proceed in Justice against the said Lord *Haversham*, and to inflict such punishment upon the said Lord, as so high an offence against the house of Commons does deserve.

Ordered, That *Sir Christopher Musgrave* do carry the said charge and resolutions to the Lords.

A message from the Lords by Doctor Newton and Mr. Gery.

Mr. Speaker,

‘ **T**HE Lords having being informed by their
‘ managers, that some interruption happened
‘ at the free conference, which their Lordships are
‘ concerned at; because they wish that nothing
‘ should interrupt the publick business, do desire the
‘ Commons would come again presently to the said
‘ free conference; which they do not doubt will
‘ prove the best expedient, to prevent the incon-
‘ venience of a misunderstanding upon what has
‘ past.’

Next

Next day, which was *Saturday* the 14th, came another message from the Lords, importing:

‘ That upon occasion of their last message yesterday, in order to continue a good correspondence between the two houses, their Lordships did immediately appoint a Committee to state the matter of the free conference, and also to inspect precedents of what has happened of the like nature; and that the publick business may receive no interruption, the time desired by their Lordships for renewing the free conference being elapsed, their Lordships desire a present free conference in the *painted chamber*, upon the subject-matter of the last free conference.’

Upon which the Commons came to the following resolution.

‘ That an answer be returned to the Lords, that the Commons are extreamly desirous to preserve a good correspondence between the two houses, and expedite the trials of the impeached Lords; but do conceive ’tis not consistent with the honour of the Commons, to renew the free conference, until they have received reparation, by their Lordships doing justice upon *John Lord Haversham*, for the indignity he yesterday offered to the house of Commons.’

Articles against the Lord *Hallifax*.

On the same day, *Saturday* the 14th of *June*, Mr. *Bruges* reported, that he had carried the articles of impeachment against *Charles Lord Hallifax* to the Lords, which were,

1st, That, whereas it was the continued sense of the Commons of *England*, that it was highly reasonable that the forfeited estates of rebels and traitors

traitors in *Ireland*, should be applied in ease of his Majesty's faithful subjects of the kingdom of *England*, the said Lord *Hallifax* presumed to advise, pass, or direct the passing a grant to *Thomas Railton*, Esq; in trust for himself, of several debts, interests, &c. amounting to 13000*l.* or thereabouts, accruing to his Majesty from attainders, outlawries, or other forfeitures in *Ireland*.—To which he answered, ' That he did accept the said grant, as it was lawful ' for him to do, without breach of his duty, and the ' trust reposed in him; which grant hath since ' been taken away by act of Parliament, and he ' hath not made clear thereof, as yet, above ' 4000*l.*'

2dly, That he has not repaid into the receipt of his Majesty's *Exchequer* in *Ireland* the sum of 1000*l.* which he had actually received to his own use, out of the profits of the forementioned grant, which he ought to have so repaid, by vertue of the *act of granting an aid to his Majesty by sale of the forfeited estates in Ireland*—To which he answered, ' That he ' gave direction, after the said act passed, to his ' agents in *Ireland*, to do, in relation to the money ' received, as should be advised by Council there; ' by whom his agents were advised, that the said ' monies being received out of the mean profits, ' which were remitted by that act, were not within the first mentioned clause in the said act.'

3dly. That in the time of a tedious and expensive war, he did advise, procure, and assent, not only to the passing of divers grants to others, but did obtain and accept of several beneficial ones for himself; which practices were a most notorious abuse of his Majesty's goodness, &c.—To which he answered, ' That he served his Majesty faithfully in his stations, ' and his Majesty graciously accepted of his service; ' and as a mark of his royal favour, did make, for ' his benefit, such grants as are mentioned in the precedent and subsequent articles, and none other.

‘ And as to other persons, he only, in conjunction
‘ with the other Commissioners, did sign several
‘ warrants and dockets for such grants, as his Majesty
‘ was pleased to direct.’

4^{thly}, Whereas by common law, and other statutes, the King’s forests should be preserved, the said Lord *Hallifax*, not regarding the laws and ordinances of this realm, nor his duty to his Majesty and the publick, has procured a grant to *Henry Segar*, Gent. in trust for himself, of the sum of 14,000 *l.* of scrubbed beech, birch, holly, &c. under colour whereof, sapling oaks, and many tuns of well grown timber had been cut and fallen, and disposed of for his benefit.—To which he answered, ‘ That his
‘ Majesty out of his grace and favour, did grant in
‘ trust for him the sum of 2000 *l.* *per. Ann.* to be
‘ raised by the fall of scrub-beech, birch, &c. for
‘ the space of seven years, which grant was not pre-
‘ judicial to any timber growing in the said forest.
‘ And if any abuse were in cutting the wood,
‘ he conceives he is not answerable for the same,
‘ it being done by the direction of his Majesty’s
‘ surveyor-general, and other his Majesty’s officers.’

5^{thly}, That he the said Lord *Hallifax* did grant, or procured to be granted, to his brother *Christopher Montague*, Esq; the place and office of Auditor of the receipts, and Writer of the tallies, in trust for himself; so that he the said Lord was, in effect, at the same time, one of the Commissioners of the Treasury, Chancellor of the *Exchequer*, and Auditor of the receipts, and Writer of the tallies; and enjoyed the profits of the said several offices, which were manifestly inconsistent, and ought to have been a check to each other.—To which he answered,
‘ That the grant of the said office was done at his
‘ desire and request, because he intended, in a short
‘ time after, to leave his own employment and places in the Treasury, and to obtain a surrender from
‘ his said brother of the said office, and procure a
‘ grant

‘ grant thereof to himself, which has been since
 ‘ done, and he conceives was lawful for him to
 ‘ do.’

6thly, That the said Lord *Hallifax*, well know-
 ing the most apparent evil consequences, as well as
 the injustice of the partition of the *Spanish* monar-
 chy, did yet advise his Majesty to enter into a trea-
 ty for it, and did encourage and promote the same.
 To which he answered, ‘ That he never did advise
 ‘ his Majesty to enter into or make the said treaty,
 ‘ or was ever consulted upon any clause or article
 ‘ thereof: But when the said matter was discoursed
 ‘ at *Tunbridge-Wells*, he made several objections to
 ‘ the same.’

On Monday, June the 16th, The Lords sent a mes-
 sage to acquaint the house of Commons, *That the*
Lords taking into their care the ordering of the trial of
John Lord Somers, on Tuesday the 17th of June in-
stant, at ten of the Clock in Westminster-Hall, have
prepared some notes and rules to be observed at the said
trial, which the Lords have thought fit to communicate
to this house, viz.

Rules for
 trial of the
 impeached
 Lords.

‘ That the whole impeachment is to be read,
 ‘ and then the answer; which being done, the Lord-
 ‘ Keeper is to tell the Commons, that now they
 ‘ may go on with their evidence.

‘ Then the Lord-Keeper is to declare, that now the
 ‘ court is proceeding to hear the evidence, and de-
 ‘ sire the Peers to give attention.

‘ If any of the Peers, or the members of the
 ‘ house of Commons, that manage the evidence, or
 ‘ the Lords impeached, do desire to have any ques-
 ‘ tion asked, they must desire the Lord-Keeper to
 ‘ ask the same.

‘ If any doubt doth arise at the trial, no debate
 ‘ is to be in the court, but the question suspended
 ‘ to be debated in this house.

‘ The

- ‘ The members of the house of Commons to be there before the Peers come.
- ‘ None to be covered at the trial but the Peers.
- ‘ That such Peers at the trial of the impeached Lords, who at the instance of the said Lord, or of the Commons, shall be admitted witnesses, are to be sworn at the Clerks table, and the Lord-Keeper to administer the oath, and are to deliver evidence in their own places.
- ‘ Those witnesses that are Commoners, are to be sworn at the bar by the Clerk, and are to deliver their evidence there.
- ‘ The impeached Lords may cross-examine witnesses, *viva voce*.

Reasons of
the Com-
mons against
proceeding
to the trial
of the Lord
Somers.

But the Commons appointed a Committee to consider of the reasons, why they cannot proceed to the trial of the Lord *Somers*. Which reasons were the next day reported by Mr. *Harcourt*, and were as follow :

- ‘ The Commons in this whole proceeding against the impeached Lords, have acted with all imaginable zeal to bring them to a speedy trial; and they doubt not but it will appear, by comparing their proceedings with all others upon the like occasion, that the house of Commons have nothing to blame themselves for, but that they have not expressed the resentment their ancestors have justly shewed, upon much less attempts which have been made upon their power of impeachments.
- ‘ The Commons, on the 31st of *May*, acquainted your Lordships, that they thought it proper, from the nature of the evidence, to proceed in the first place upon the trial of the Lord *Somers*. Upon the first intimation from your Lordships, some days afterwards, that you would proceed to the trial of the impeached Lords, whom the Com-
mons

‘ mons should be first ready to begin with, notwithstanding your Lordships had before thought fit to appoint which impeachment should be first tried, and affix a day for such trial, without consulting the Commons, who are the prosecutors.

‘ The Commons determine to expedite the trials to the utmost of their power, in hopes of attaining that end: And for the more speedy and easy adjusting and preventing any differences, which had happened, or might arise previous to, or upon these trials, proposed to your Lordships at a conference, the most parliamentary and effectual method for that purpose, and that which in no manner intrenched upon your Lordships judicature, that a Committee of both houses should be nominated, to consider of the most proper ways and methods of proceeding upon impeachments, according to the usage of Parliament.

‘ In the next message to the Commons, upon *Monday the 9th of June*, your Lordships thought fit, without taking the least notice of this proposition, to appoint the *Friday* then following for the trial of the said Lord *Somers*; whereunto, as well as to many other messages and proceedings of your Lordships upon this occasion, the house of Commons might have justly taken very great exceptions; yet, as an evidence of their moderation, and to shew their readiness to bring the impeached Lords to speedy justice, the Commons insisted only on their proposition for a Committee of both houses, to settle and adjust the necessary preliminaries to the trial; particularly, whether the impeached Lords should appear on their trial at your Lordships bar as criminals? Whether, being under accusations of the same crimes, they should sit as judges on each other’s trial for those crimes, or should vote in their own cases, as ’tis notorious they have been permitted by your Lordships to do, in many instances which might be given;

‘ to which particulars, your Lordships have not
‘ yet given a direct answer, though put in mind
‘ thereof by the Commons.

‘ Your Lordships at a conference, having offered
‘ some reasons why you could not agree to a Com-
‘ mittee of both houses, to adjust the necessary pre-
‘ liminaries, the Commons thereupon desired a free
‘ conference, and your Lordships agreed thereunto;
‘ at which, ’tis well known to many of your Lord-
‘ ships, who were then present, what most scandal-
‘ ous reproaches, and false expressions, highly re-
‘ flecting upon the honour and justice of the house
‘ of Commons, were uttered by *John Lord Ha-*
‘ *versham*, whereby the Commons were under a
‘ necessity of withdrawing from the said free con-
‘ ference; for which offence, the Commons have,
‘ with all due regard to your Lordships, prayed
‘ your Lordships justice against the Lord *Haver-*
‘ *sham*; but have as yet received no manner of sa-
‘ tisfaction.

‘ The Commons restrain themselves from enume-
‘ rating your Lordships very many irregular and
‘ unparliamentary proceedings upon this occasion;
‘ but think it is what they owe to publick justice,
‘ and all the Commons of *England* whom they re-
‘ present, to declare some few of those reasons, why
‘ they peremptorily refuse to proceed to the trial of
‘ the Lord *Somers* on the 17th of *June*.

‘ 1st, Because your Lordships have not yet agreed
‘ that a Committee of both houses should be ap-
‘ pointed, for settling the necessary preliminaries;
‘ a method never until this time denied by the house
‘ of Lords, whensoever the Commons have thought
‘ it necessary to desire the same.

‘ 2^{dly}, Should the Commons (which they never
‘ will do) be contented to give up those rights,
‘ which have been transmitted to them from their
‘ ancestors, and are of absolute necessity to their
‘ proceedings on impeachments; yet, whilst they
‘ have

‘ have any regard to publick justice, they never can
 ‘ appear as prosecutors before your Lordships, till
 ‘ your Lordships have first given them satisfaction,
 ‘ that the Lords impeached of the same crimes,
 ‘ shall not sit as judges on each other’s trial for those
 ‘ crimes.

‘ 3dly, Because the Commons have as yet received no reparation, for the great indignity offered to them at the free conference by the Lord *Haversham*: The Commons are far from any inclination, and cannot be supposed to be under any necessity of delaying the trial of the Lord *Somers*: There is not any article exhibited by them, in maintenance of their impeachment against the Lord *Somers*, for the proof whereof they have not full and undeniable evidence; which they will be ready to produce, as soon as your Lordships shall have done justice upon the Lord *Haversham*; and the necessary preliminaries in order to the said trial, shall be settled by a Committee of both houses.

‘ The Commons think it unnecessary to observe to your Lordships, that most of the articles whereof the Lord *Somers* stands impeached, will appear to your Lordships to be undoubtedly true, from matters of record, as well as by the confession of the said Lord *Somers*, in his answer to the said articles; to which the Commons doubt not but your Lordships will have a due regard, when his trial shall regularly proceed.’

The Lords sent their answer to this message, on *Friday, June the 20th* in these words,

‘ **T**HE Lords, in answer to the message of the Commons of the 17th instant, say, the only true way of determining, which of the two houses has acted with the greatest sincerity, in order to bring the impeached Lords to their trials, is to look back upon their respective proceedings.

Answer of
the Lords.

‘ The Lords do not well understand what the Commons mean by that resentment which they speak of in their message : Their Lordships own the house of Commons have a right of impeaching : And the Lords have undoubted power of doing justice upon those impeachments, by bringing them to trial, and condemning or acquitting the parties in a reasonable time. This power is derived to them from their ancestors, which they will not suffer to be wrested from them by any pretences whatsoever.

‘ Their Lordships cannot but wonder, that the Commons should not have proposed a Committee of both houses much sooner, if they thought it so necessary for the bringing on the trials ; no mention being of such a Committee, from the first of *April* to the sixth of *June*, although during that interval, their delays were frequently complained of by the house of Lords.

‘ The manner in which the Commons demand this Committee, the Lords look upon as a direct invading of their judicature ; and therefore, as there never was a Committee of both houses yielded to by the Lords, in case of any impeachment for high crimes and misdemeanors ; so their Lordships do insist, that they will make no new precedent upon this occasion. Many impeachments for misdemeanors have in all times been determined without such a Committee : And if now the Commons think fit, by any unprecedented demand, to form an excuse for not prosecuting their impeachments, it is demonstrable where the obstruction lies.

‘ As to the preliminaries which the Commons mention in particular, as proper to be settled at such a Committee, they have received the resolutions of the house of Lords therein, by their message of the 12th instant, from which (being mat-
ters

ters entirely relating to their judicature) their Lordships cannot depart.

As to the last pretence the Commons would make to shelter the delaying the trials, from some expressions which fell from the Lord *Haversham* at the free conference, at which offence was taken, their Lordships will only observe,

First, That they have omitted nothing which might give the Commons all reasonable satisfaction, of their purpose to do them justice in that matter, so far as is consistent with doing justice to that Lord; and also to preserve all good correspondence with them; as appears by the several steps they have taken.

Secondly, That this business has no relation to the trial of the impeached Lords; and therefore their Lordships cannot imagine, why the Commons should make satisfaction and reparation against the Lord *Haversham*, a necessary condition for the going on with the trials, and at the same time, find no difficulties in proceeding on other business.

In the mean time, on *Tuesday June the 17th*, the Lords proceeded to the trial of *John Lord Somers*, in *Westminster-hall*; where the proclamation first was made: *Whereas a charge of high crimes and misdemeanors has been exhibited by the house of Commons, in the name of themselves and all the Commons of England, against John Lord Somers; all persons concerned are to take notice that he now stands upon his trial, and they may now come forth, in order to make good the said charge.* Then the house adjourned to the said hall; and being seated, after proclamation for silence, the articles against *John Lord Somers* were read, and also his Lordship's answer to them. Then the Lord Keeper declared the house was ready to hear the evidence against him. The Lord *Somers* moved to have his Council heard. After long debate, and hearing the Judges to several questions

His Lord-
ship honour-
ably acquit-
ted.

asked them by the Lords, this question was proposed; that *John Lord Somers be acquitted of the articles of impeachment against him, exhibited by the house of Commons, and all things therein contained, and that the said impeachment be dismissed.* When the Lord Keeper had asked every Lord, whether content or not? He declared the majority was for acquitting. Then the Lords adjourned to the house above, and made the following order:

It was considered, ordered, and adjudged by the Lords spiritual and temporal in Parliament assembled, that John Lord Somers shall be, and is hereby acquitted of the articles of impeachment against him, exhibited by the house of Commons, and all things therein contained, and that the said impeachment shall be, and is hereby dismissed.

Remon-
strance of
the Com-
mons.

The Commons to justify their refusal of appearing at the said tryal, did resolve, on *June* the 20th,
 ‘ That the Lords have refused justice to the Com-
 ‘ mons upon the impeachment against the Lord
 ‘ *Somers*, by denying them a Committee of both
 ‘ houses, which was desired by the Commons as the
 ‘ proper and only method of settling the necessary
 ‘ preliminaries, in order to the proceeding to the
 ‘ tryal of the said Lord *Somers* with effect; and af-
 ‘ terwards by proceeding to a pretended tryal of
 ‘ the said Lord, which could tend only to protect
 ‘ him from justice, by colour of an illegal acquittal.
 ‘ Against which proceedings of the Lords, the
 ‘ Commons do solemnly protest, as being repugnant
 ‘ to the rules of justice, and therefore null and void.
 ‘ That the house of Lords, by the pretended tryal
 ‘ of *John Lord Somers*, have endeavoured to over-
 ‘ turn the right of impeachments, lodged in the house
 ‘ of Commons by the ancient constitution of this
 ‘ kingdom, for the safety and protection of the Com-
 ‘ mons against the power of great men; and have
 ‘ made an invasion upon the liberties of the subject,
 ‘ by laying a foundation of impunity for the greatest
 ‘ offenders.

‘ offenders. That all the ill consequences, which
 ‘ may at this time attend the delay of the supplies
 ‘ given by the Commons, for preserving the publick
 ‘ peace, and maintaining the ballance of *Europe*,
 ‘ by supporting our allies against the power of
 ‘ *France*, are to be imputed to those, who to pro-
 ‘ cure an indemnity for their own enormous crimes,
 ‘ have used their utmost endeavours to make a breach
 ‘ between the two houses.

The Lords the same day sent this answer to that
 message.

THE Lords do acquaint the Commons, that they Answer of
the Lords.
 might have known by the records of the house of
 Lords, that the Lords had proceeded to the tryal of the
 Lord Somers on Tuesday last, being the day appointed;
 and the Commons not appearing to maintain their ar-
 ticles against the said Lord, the Lords had by judgment
 of their house acquitted him of the articles of impeach-
 ment against him, exhibited by the house of Commons,
 and all things therein contained, and had dismissed the
 said impeachment.

And the Lords had appointed Monday next for the
 trial of the Earl of Orford, on which day they would
 proceed on the said trial.

The Commons still pressing for a Committee of both
 houses, which their Lordships could never consent to for
 the reasons already given, their Lordships could infer
 nothing from their persisting in this demand, but that
 they never designed to bring any of their impeachments
 to a tryal.

As to the Lord Haversham, his answer was now
 before the house of Commons, and the Lords resolved to
 do justice in that matter.

The same day, the commons had a copy given
 them of the Lord Haversham's answer to the charge
 against him; which being extraordinary, deserves to
 be inserted in this place.

Answer of
the Lord
Haversham
to a com-
plaint of the
Commons.

‘ The said Lord *Haversham*, saving to himself
‘ all advantages of exception to the said charge,
‘ and of not being prejudiced by any want of
‘ form in this answer; and also saving to him-
‘ self all rights and priviledges belonging to him
‘ as one of the Peers of this realm; for answer to
‘ the said charge, saith, That on the sixth day of
‘ *June* 1701, the Commons by a message sent to
‘ the Lords, desired a conference upon their message
‘ to the Commons of the fourth of *June*: In which
‘ conference they proposed to the Lords, That a
‘ Committee of both houses might be nominated,
‘ to consider of the most proper ways and methods
‘ of proceeding in the impeachments of the Lords,
‘ according to the usage of Parliaments. That on
‘ the 10th of *June*, The Lords desired another con-
‘ ference with the Commons, in which they deliver-
‘ ed them their reasons why they could not agree
‘ to the appointing of such a Committee; (*viz.*)
‘ *First*, That they could not find, that ever such a
‘ Committee was appointed on occasion of impeach-
‘ ments for misdemeanors, and their obligation to
‘ be curious in admitting any thing new relating to
‘ judicature. *Secondly*, That although a Committee
‘ of this nature was agreed to, upon the impeach-
‘ ments of the Earl of *Danby*, and the five popish
‘ Lords for high treason; yet the success in that in-
‘ stance, was not such as should encourage the pur-
‘ suing of the same method, though in the like case;
‘ and that, after so much time spent in the Com-
‘ mittee, the disputes were so far from being there
‘ adjusted, that they occasioned the abrupt conclu-
‘ sion of a session of Parliament. *Thirdly*, That the
‘ methods of proceedings for misdemeanors are so
‘ well settled by the usage of Parliament, that no
‘ difficulties were likely to happen, nor none had
‘ been stated to them; and that all the preliminaries
‘ in the case of *Stephen Goudett*, and others, (which
‘ was

‘ was the last instance of impeachments for misde-
‘ meanors) were easily settled and agreed to, with-
‘ out any such Committee. *Fourthly*, That the pro-
‘ posal of the Commons came so very late, that no
‘ other fruit could be expected of such a Commit-
‘ tee, but the preventing of the trials during the
‘ session. Whereupon the Commons on the 12th
‘ of *June*, desired of the Lords a free conference,
‘ on the subject matter of the last conference. That
‘ the Lords on the 12th of *June*, came to two
‘ resolutions in relation to the Lords impeached.
‘ First, *That no Lord of Parliament, impeached for*
‘ *high crimes and misdemeanors, and coming to his*
‘ *trial, shall upon his trial, be without the bar.* Se-
‘ condly, *That no Lord of Parliament, impeached for*
‘ *high crimes and misdemeanors, can be precluded from*
‘ *voting on any occasion, except in his own trial.* And
‘ by messengers of their own, the Lords acquainted
‘ the Commons with the said two resolutions; and
‘ also that they agreed to a free conference with the
‘ Commons, and appointed the next day. That
‘ upon the 30th of *June*, Mr. *Harcourt*, one of the
‘ managers, began the free conference on the part
‘ of the Commons, and argued upon the four rea-
‘ sons given by the Lords, why they could not a-
‘ gree to the appointing a Committee of both
‘ houses; and principally relied upon the instance
‘ in the case of the *popish Lords*, and insisted upon
‘ the delay that the not agreeing to the nomination
‘ of such a Committee would necessarily occasion,
‘ whereby the Lords trials, and the justice due to
‘ the nation, would be retarded. And departing
‘ from the subject matter of the said conference
‘ (which was, whether it were requisite to appoint,
‘ or not appoint such a Committee) the said mana-
‘ ger discoursed upon the latter of the resolutions of
‘ the Lords, communicated to the Commons, and
‘ said, *That he wished the Lords had sent down their*
‘ *reasons, as well as their resolutions;* Which words
‘ seemed

' seemed to the said Lord *Haversham*, to carry there-
 ' in an implication, as if the said resolution could
 ' have no reason to justify it. That Sir *Bartholomew*
 ' *Showers*, another manager for the Commons, ob-
 ' served the same method of discourse; and having
 ' argued on the Lords reasons, departed from the
 ' subject-matter of the free conference, and inveigh-
 ' ing against the manner of the Lords judicature,
 ' asserted by their resolutions, said, *That it was ab-*
 ' *horrent to justice*: Which expressions being foreign
 ' (as the said Lord *Haversham* apprehended) to the
 ' subject-matter of the said free conference, which
 ' was, whether such Committee of both houses should
 ' be appointed or not; the said Lord, being appoint-
 ' ed by the Lords for one of the managers of the
 ' said free conference on their behalf, in vindication
 ' of the honour and justice of the house of Peers,
 ' and their judicature and resolutions, in answer to
 ' what had been said by the managers for the Com-
 ' mons, he spoke to the effect following:

Gentlemen,

' **I** Shall begin what I have to say, as that worthy
 ' member who opened this conference, that there
 ' is nothing the Lords more desire than to keep a
 ' good correspondence, which is so necessary to the
 ' safety of the nation, and the dispatch of publick
 ' business; and nothing they have more carefully
 ' avoided, than what might create a misunderstand-
 ' ing between the two houses. A greater instance
 ' of which could not be given, than the messages
 ' my Lords returned to some the Commons had sent
 ' them up; in which they took care to express
 ' themselves so cautiously, that no heat might arise
 ' from any expression of theirs. And as to what
 ' the worthy members mentioned, in relation to
 ' delay; the repeated remembrances sent the Com-
 ' mons, with relation to the sending up the articles
 ' against the impeached Lords, are a sufficient in-
 ' stance

‘ stance how desirous they are that these matters
‘ should proceed. And the Lords have this satis-
‘ faction, that it is not on their part that the trials
‘ are not in a greater forwardness; they cannot but
‘ look on it as a great hardship, that they should
‘ lie under long delays on impeachments. Persons
‘ may be incapable; facts may be forgotten; evi-
‘ dences may be laid out of the way; witnesses may
‘ die; and many other like accidents may happen.
‘ The instance the worthy members give of the
‘ popish Lords, as it is a crime of another nature,
‘ and not fully to the point, so it seems to make a-
‘ gainst what it was brought for: For the worthy
‘ members say, there was but one of the Lords
‘ brought to justice, though four more (as I take it)
‘ were accused. And can any man believe, that
‘ the Commons have a mind to bring only one of
‘ these Lords to trial? It is inconsistent with the
‘ opinion that every body must have of their justice.
‘ And as to the point of judicature, it were very
‘ hard upon the Lords, that no person should be
‘ brought to trial, till the judicature of the house be so
‘ first. The judicature of the Lords is their peculiar,
‘ and hath in former ages been sacred with the Com-
‘ mons themselves. And this house perhaps, hath as
‘ much reason to be jealous, and careful of it, as any
‘ other house ever had; especially when one single pre-
‘ cedent is so urged and insisted upon. One thing there
‘ is which a worthy member mentioned, though I can-
‘ not speak to it at large, because I think my self
‘ bound up by the resolutions of the house; yet it must
‘ have some answer; that is, as to the Lords voting
‘ in their own case; it requires an answer, though I
‘ cannot enter into the debate of it. The Commons
‘ themselves have made this precedent; for in these
‘ impeachments they have allowed men, equally
‘ concerned in the same facts, to vote in their own
‘ house; and we have not made the distinction in
‘ ours, that some should vote and some not. The
Lords

‘ Lords have so high an opinion of the house of
‘ Commons, that they believe justice shall never
‘ be made use of as a mask for any design. And
‘ therefore give me leave to say, though I am not
‘ to argue it, ’tis to me a plain demonstration, that
‘ the Commons think those Lords innocent; and I
‘ think the proposition is undeniable; for when there
‘ are several Lords in the same circumstances, in
‘ the same facts, there is no distinction; and the
‘ Commons leave some of these men at the head of
‘ affairs, near the King’s person, to do any mis-
‘ chief, if they were inclined to it; it looks as if
‘ they thought them all innocent. This was a thing
‘ I was in hopes I should never have heard asserted,
‘ when the beginning of it was from the house of
‘ Commons.

‘ The said Lord being here interrupted, he desired
‘ to be heard out, and that his words might be taken
‘ down in writing. But the managers for the Com-
‘ mons broke up, and departed, refusing to hear any
‘ explanation. Now the said Lord, as to any im-
‘ plicit charge of a design to reflect on, or dishonour
‘ the house of Commons, denies any such design or
‘ intention; having, for many years, had the honour
‘ to sit in the house of Commons, and having ever
‘ had an honourable and respectful sense thereof: But
‘ the said Lord was led to express himself in the man-
‘ ner aforesaid, for the reasons aforesaid, and takes
‘ himself to be justified therein, by the facts and rea-
‘ sons following.

‘ That the nature of that conference was, that
‘ it should be free; the occasion of it, because either
‘ house apprehended the other to be in an error; and
‘ the end of it, that each side might urge such facts
‘ as are true, and such reasons as are forcible to con-
‘ vince. That one article of the impeachment a-
‘ gainst *John Lord Somers*, was, that the treaty of
‘ *Partition* of 1699. was ratified under the Great
‘ Seal,

Seal, which then was in the custody of the same Lord, then Lord Chancellor of *England*; That the Commons on the first of *April*, 1701. Resolved, That the Earl of *Portland* by negotiating and concluding the treaty of *Partition*, was guilty of a high crime and misdemeanor; and pursuant thereto lodged an impeachment against him in the house of Peers; which vote and impeachment could not have reference to any treaty, other than the treaty of *Partition* of 1699. the treaty of 1698. not being before the house of Commons, till after the time of that vote and impeachment: and yet the Earl of *Jersey*, who then was secretary of state and a Privy-Councillor, and actually signed the said treaty of 1699. as a plenipotentiary with the Lord *Portland*, stands unimpeached, and continues at the head of affairs, being Lord Chamberlain, near his Majesty's person, and in his presence and councils (without complaint:) That the Earl of *Orford*, and the Lords *Somers* and *Hallifax*, are severally impeached for advising the treaty of *Partition*, of 1698, and yet Mr. Secretary *Vernon*, who then was secretary of state, and a Privy-Councillor, and acted in the promoting of the treaty of *Partition* of 1698, stands unimpeached, and still continues one of the principal Secretaries of State; and Sir *Joseph Williamson* who then was a Privy-Councillor, and transacted and signed the treaty of *Partition* of 1698, as a plenipotentiary, stands unimpeached. That the Lord *Hallifax* is impeached, for that he being a Commissioner of the treasury, assented to the passing of divers grants from the crown to several persons, of lands in *Ireland*; and yet Sir *Edward Seymour*, Sir *Stephen Fox*, and Mr. *Pelham*, who being severally Lords Commissioners of the treasury, did severally assent to the passing of divers like grants from his Majesty, of lands in *Ireland*, stand unimpeached. That in the impeachments against the Earl of *Orford* and

Lord

‘ Lord *Somers*, one of the articles against them
‘ is for procuring a commission to Captain *Kidd*, and
‘ likewise a grant under the Great-Seal, of the ships
‘ and goods of certain persons therein named, to
‘ certain persons in trust for them; and yet other
‘ Lords, equally concerned in procuring the said
‘ commission and grant, stand unimpeached. That
‘ the said Mr. Secretary *Vernon*, Sir *Edward Sey-*
‘ *mour*, Sir *Stephen Fox*, and Mr. *Pelham*, notwith-
‘ standing their being parties in the same facts,
‘ charged in the said respective impeachments, have
‘ been permitted to sit and vote in the house of Com-
‘ mons, touching the impeachments and the matters
‘ thereof: That these facts being true and publickly
‘ known, the consequences resulting therefrom (as
‘ the said Lord *Haversham* apprehended) are unde-
‘ niable, *viz.* that the doing of the same thing, by
‘ two persons in equal circumstances, cannot be a
‘ crime in one, and not in another. That the Com-
‘ mons had no reason to insist, that the Lords should
‘ not permit that in their members, which the Com-
‘ mons had first permitted, and continued to permit,
‘ and so begun the first precedent, in their own mem-
‘ bers. That it must be thought, that the impeach-
‘ ed Lords (notwithstanding the facts alledged in
‘ the impeachment) are innocent of danger to the
‘ King, when the Lord *Fersey* and Mr. Secretary
‘ *Vernon*, who were respectively concerned in the
‘ partition treaties, are permitted without complaint,
‘ to be at the head of affairs, and in the King’s pre-
‘ sence, and of his councils, as not dangerous; that
‘ the word *innocent*, used in the words spoken by
‘ the said Lord *Haversham*, can extend no further
‘ than to such matters as were done by the impeach-
‘ ed Lords, of the same nature with what was done
‘ by those unimpeached. All which facts being
‘ true, and the consequences obvious, the said Lord
‘ being ready to prove the same, he insists that the
‘ words spoken by him at the said free conference,

were

‘ were not scandalous or reproachful, nor false, nor
‘ reflecting on the honour or justice of the house of
‘ Commons; but were spoken upon a just occasion,
‘ given in answer to several expressions that fell
‘ from the managers for the Commons, remote, as
‘ he conceives, from the matter in question, and re-
‘ flecting on the honour and justice of the house of
‘ Peers; and in maintenance and defence of the
‘ Lords resolution and judicature, and conformable
‘ to the duty he owes to the said house. And the
‘ said Lord humbly demands the judgment of this
‘ honourable house therein. And the said Lord
‘ *Haversham* denies that he spoke the words spe-
‘ cified in the said charge, in such manner and form,
‘ as the same are therein set down. And having
‘ thus given a true account of this matter, and it be-
‘ ing true and indisputable, that some Lords in this
‘ house, equally concerned in facts, for which other
‘ Lords are impeached by the house of Commons,
‘ are still near the King’s person, in the greatest
‘ places of trust and honour, and unimpeached; and
‘ also, that several members of the house of Com-
‘ mons equally concerned in the same facts, for
‘ which some of the Lords are impeached, do how-
‘ ever remain unimpeached; the said Lord thinks,
‘ such a truth could never have been more properly
‘ spoken, in the maintenance and defence of your
‘ Lordships judicature, and resolutions; and insist-
‘ eth, that what he said at the free conference, was
‘ not any scandalous reproach, or false expression,
‘ or any ways tending to make a breach in the good
‘ correspondence between the Lords and Commons,
‘ or to the interrupting the publick justice of the
‘ nation, by delaying the proceedings on the im-
‘ peachments, as in the said charge alledged; but
‘ agreeable to truth, in discharge of his duty, and
‘ in the defence of the undoubted right and judi-
‘ cature of this house.

Haversham.
The

Contest be-
twixt the
two houses.

The Commons on *Friday* the 20th, after the sending and receiving the fore-mentioned messages, ordered, That no member should presume to appear on *Monday* next, at the pretended trial of the Earl of *Orford*, upon pain of incurring the utmost displeasure of the house; and then adjourned to *Tuesday* morning. But the Lords continued sitting, and on the 21st resolved, *That unless the Commons charge against the Lord Haversham, were presented by them with effect before the end of that session, the Lords would declare and adjudge him wholly innocent of the charge.*

On *Monday, June* the 23d, it was resolved by the Lords spiritual and temporal in Parliament assembled, That the resolutions of the house of Commons, in their votes of the 20th instant, contained most unjust reflections on the honour and justice of the house of Peers, and were contrived to cover their affected and unreasonable delays in prosecuting the impeached Lords; and did manifestly tend to the destruction of the judicature of the Lords, to the rendering trials and impeachments impracticable for the future, and to the subverting the constitution of the *English* government; and therefore, whatever ill consequences might arise, from the so long deferring the supplies of this year's service, were to be attributed to the fatal counsel of the putting off the meeting of a Parliament so long, and to the unnecessary delays of the house of Commons.

Trial of the
Earl of
Orford.

Then the Lords adjourned to *Westminster-hall*, and after two proclamations made for silence and prosecution, the articles of impeachment against *Edward* Earl of *Orford* were read, and also his Lordship's answer to the said articles; and after taking the same methods as in the trial of the Lord *Somers*, his Lordship, by unanimous votes, was acquitted of the articles, and the impeachment was dismissed.

His Lordship
honourably
acquitted.

On

On *Tuesday*, *June* 24th, being the last day of the session of this Parliament, this order was made by the Lords.

‘ THE house of Commons not having present-
 ‘ ed their charge, which they brought up Order of the
Lords.
 ‘ against *John* Lord *Haversham*, for words spoken
 ‘ by him at a free conference the 13th instant, the
 ‘ said charge is hereby dismissed. The Earl of
 ‘ *Portland* being impeached by the house of Com-
 ‘ mons of high crimes and misdemeanors, the first
 ‘ day of *April* last, the impeachment is hereby dis-
 ‘ missed, there being no articles exhibited against
 ‘ him. The house of Commons having impeached
 ‘ *Charles* Lord *Hallifax* of high crimes and misde-
 ‘ meanors, on the 15th day of *April* last, and on
 ‘ the 14th day of this instant *June* exhibited articles
 ‘ against him, to which he having answered, and
 ‘ no further prosecution thereupon, the said impeach-
 ‘ ment and articles are hereby dismissed. At the
 ‘ same time, their Lordships dismissed an old im-
 ‘ peachment against the Duke of *Leeds*.’

The affair of the impeached Lords, had so much divided both houses, that the correspondence was almost broken off or interrupted with continual disagreements. Hence the Commons having passed a bill for appointing Commissioners to take, state, and examine the publick accounts, the Lords made some amendments to it, which the Commons would by no means allow; and drew up these reasons for their disagreement, to be offered to the Lords at a conference.

Bill for stat-
ing the pub-
lick ac-
counts.

‘ The Commons do disagree to the first amend-
 ‘ ment made by the Lords, because it is notorious,
 ‘ that many millions of money have been given to
 ‘ his Majesty by the Commons, for the service of
 ‘ the publick, which remain yet unaccounted for,

Reasons of
the Com-
mons,

‘ to the great dissatisfaction of the good people of
‘ *England*, who chearfully contributed to those sup-
‘ plies. And their Lordships first amendment pre-
‘ vents any account being taken of those monies, by
‘ the Commissioners appointed by the Commons for
‘ that purpose.

‘ The Commons do disagree to the second amend-
‘ ment made by the Lords, because *John Parkhurst*
‘ and *John Pascall*, Esqs; have for several years been
‘ Commissioners of the prizes taken during the late
‘ war, and accountable for great sums of money
‘ arising thereby, which ought to be applied to the
‘ use of the publick. That the said *John Parkhurst*
‘ and *John Pascall* were frequently pressed to account
‘ for the same, by the late Commissioners appointed
‘ by act of Parliament; but by many artifices and
‘ evasions, delayed and avoided giving any such
‘ account as was required by the said Commissioners.
‘ That the clause to which their Lordships have
‘ disagreed by their second amendment, requires
‘ them to account before the 1st of *September* next,
‘ but by their Lordships amendment they are ex-
‘ empted from giving any such account, which is
‘ highly unreasonable.

‘ The Commons do disagree to the third amend-
‘ ment, because their Lordships have, in a clause, di-
‘ rected the Commons to allow and certify a pre-
‘ tended debt to Colonel *Baldwin Layton*; whereas
‘ the disposition as well as granting of money by act
‘ of Parliament, hath ever been in the house of Com-
‘ mons; and this amendment relating to the disposal
‘ of money, does intrench upon that right.

‘ The Commons do disagree to the fourth amend-
‘ ment, because it is notorious, that *Edward Whitaker*,
‘ mentioned in the *rider* left out by their Lordships,
‘ hath by colour of his impeachment, as solicitor
‘ to the admiralty, received the sum of five and
‘ twenty thousand pounds and upwards of publick
‘ monies, without producing any just or reasonable
‘ vouchers

‘ vouchers for the expence thereof; and therefore
 ‘ ought to be accountable for the same.

‘ And that by reason of their Lordships disagree-
 ‘ ing to the several parts of this bill, the supplies
 ‘ provided by the Commons for paying the arrears
 ‘ of the army, must of necessity be ineffectual till
 ‘ another session of Parliament.’

To interrupt these fatal disputes between the two
 houses, it was the greatest wisdom of his Majesty,
 first to take no notice of them, and then to put a
 more speedy end to this session; and therefore on
 the said *Tuesday, June 24th*, the King came to the
 house of Peers, and sent for the Commons to attend
 him; when Mr. *Speaker* upon presenting the mo-
 ney-bills, delivered himself to his Majesty in this
 speech.

S I R,

‘ **I** T is with great joy and satisfaction that I attend
 ‘ your Majesty at this time, since your Commons
 ‘ have complied with all your Majesty was pleased
 ‘ to desire at their meeting. They have passed the
 ‘ bill of succession, which hath settled the crown in
 ‘ a protestant line, and continued the liberty of *Eng-*
 ‘ *land*, which your Majesty hath restored and pre-
 ‘ served. They have passed a bill for taking away
 ‘ those privileges, which might have proved burthen-
 ‘ some and oppressive to your subjects. They have
 ‘ given your Majesty those supplies which are more
 ‘ than ever were given in a time of peace, to enable
 ‘ your Majesty when you are abroad, to support
 ‘ your allies, procure either a lasting peace, or
 ‘ to preserve the liberties of *Europe* by a ne-
 ‘ cessary war.’

The *Spea-*
ker's speech
 to the King.

Then his Majesty gave the royal assent to several bills, and afterwards made this speech to both houses.

King's
speech.

My Lords and Gentlemen,

‘ **T**HE session being now come to a conclusion,
 ‘ I must return you my hearty thanks for the
 ‘ great zeal you have expressed for the publick ser-
 ‘ vice, and your ready compliance with those things
 ‘ which I recommended to you at the opening of
 ‘ this Parliament. And I must thank you, Gen-
 ‘ tlemen of the house of Commons in particular,
 ‘ both for your dispatch of those necessary supplies,
 ‘ which you have granted for the publick occasions,
 ‘ and for the encouragements you have given me, to
 ‘ enter into alliances for the preservation of the li-
 ‘ berty of *Europe*, and the support of the confede-
 ‘ racy; in which, as it shall be my care, not to put
 ‘ the nation to any unnecessary expence, so I make
 ‘ no doubt, that whatsoever shall be done during
 ‘ your recess, for the advantage of the common
 ‘ cause in this matter, will have your approbation
 ‘ at our meeting again in the winter.

My Lords and Gentlemen,

‘ I shall conclude with recommending to you all,
 ‘ the discharge of your duties in your respective
 ‘ counties; that the peace of the kingdom may be
 ‘ secured, by your vigilance and care in your several
 ‘ stations.’

Then the Lord Keeper (by his Majesty's com-
 mand) prorogued the Parliament until *Thursday* the
 7th day of *August* next; which was soon afterwards
 dissolved.

A new Parliament met the 30th of *December*,
 when the King came to the house of Peers, and
 sending for the Commons, the Lord Keeper signi-
 fied

fied his Majesty's pleasure, that they should forthwith proceed to the choice of a speaker, and present him next morning: The competition was between Mr. *Harley* and Sir *Thomas Littleton*, to which latter the King and court inclined; but the former was elected by a majority of fourteen votes; who being the next day presented and approved, his Majesty made this memorable speech to both houses.

My Lords and Gentlemen.

I Promise myself you are met together full of the just sense of the common danger of *Europe*, and that resentment of the late proceeding of the *French* King, which has been so fully and universally expressed in the loyal and seasonable addresses of my people.

The King's
last speech in
Parliament.

The owning and setting up the pretended Prince of *Wales* for King of *England*, is not only the highest indignity offered to me and the whole nation, but does so nearly concern every man, who has a regard for the protestant religion, or the present and future quiet and happiness of your country, that I need not press you to lay it seriously to heart, and to consider what further effectual means may be used, for securing the succession of the crown in the protestant line, and extinguishing the hopes of all pretenders, and their open or secret abettors.

By the *French* King's placing his grandson on the throne of *Spain*, he is in a condition to oppress the rest of *Europe*, unless speedy and effectual measures be taken. Under this pretence he is become the real master of the whole *Spanish* monarchy; he has made it to be entirely depending on *France*, and disposes of it as of his own dominions; and by that means he has surrounded his neighbours in such a manner, that though the name of peace may be said to continue, yet they are put to the expence and inconveniencies of war.

This

‘ This must affect *England* in the nearest and
‘ most sensible manner, in respect to our trade,
‘ which will soon become precarious in all the valu-
‘ able branches of it ; in respect to our peace and
‘ safety at home, which we cannot hope should long
‘ continue ; and in respect to that part which *Eng-*
‘ *land* ought to take, in the preservation of the liber-
‘ ty of *Europe*.

‘ In order to obviate the general calamity, with
‘ which the rest of *Christendom* is threatned by this
‘ exorbitant power of *France*, I have concluded se-
‘ veral alliances, according to the encouragement
‘ given me by both houses of Parliament ; which
‘ I will direct shall be laid before you, and which
‘ I do not doubt you will enable me to make good.

‘ There are some other treaties still depending, that
‘ shall be likewise communicated to you as soon as
‘ they are perfected.

‘ It is fit I should tell you, the eyes of all *Eu-*
‘ *rope* are upon this Parliament, all matters are at
‘ a stand till your resolutions are known, and there-
‘ fore no time ought to be lost.

‘ You have yet an opportunity, by God’s bles-
‘ sing, to secure to you and your posterity the quiet
‘ enjoyment of your religion and liberties, if you
‘ are not wanting to yourselves, but will exert the
‘ ancient vigour of the *English* nation : But I tell
‘ you plainly my opinion is, if you do not lay hold
‘ on this occasion, you have no reason to hope for
‘ another.

‘ In order to do your part, it will be necessary to
‘ have a great strength at sea, and to provide for
‘ the security of our ships in harbour ; and also, that
‘ there be such a force at land as is expected in pro-
‘ portion to the forces of our allies.

Gentlemen of the house of Commons,

‘ I do recommend these Matters to you with that
‘ concern and earnestness, which their importance re-
quires ;

quires : At the same time I cannot but press you to take care of the publick credit, which cannot be preserved but by keeping sacred that maxim, that they shall never be losers, who trust to a parliamentary security.

It is always with regret when I do ask aids of my people ; but you will observe, that I desire nothing which relates to any personal expence of mine ; I am only pressing you to do all you can for your own safety and honour, at so critical and dangerous a time ; and am willing that what is given shall be wholly appropriated to the purposes for which it is intended.

And since I am speaking on this head, I think it proper to put you in mind, that during the late war, I ordered the accounts to be laid yearly before the Parliament, and also gave my assent to several bills for taking the publick accounts, that my subjects might have satisfaction how the money given for the war was applied ; and I am willing that matter may be put in any further way of examination ; that it may appear whether there were any misapplications and mismanagements, or whether the debt that remains upon us, has really arisen from the shortness of the supplies, or the deficiency of the funds.

I have already told you how necessary dispatch will be, for carrying on that great publick business, whereon our safety, and all that is valuable to us depends. I hope, what time can be spared, will be employed about those other very desirable things, which I have so often recommended from the throne ; I mean, the forming some good bills for employing the poor, for encouraging trade, and the further suppressing of vice.

My Lords and Gentlemen,

I hope you are come together, determined to avoid all manner of disputes and differences, and

‘ resolved to act with a general and hearty concurrence, for promoting the common cause; which alone can make this a happy session.

‘ I should think it as great a blessing as could befall *England*, if I could observe you as much inclined to lay aside those unhappy fatal animosities, which divide and weaken you, as I am disposed to make all my subjects safe and easy, as to any, even the highest offences committed against me.

‘ Let me conjure you to disappoint the only hopes of our enemies, by your unanimity. I have shewn, and will always shew, how desirous I am to be the common father of all my people: Do you in like manner lay all aside parties and divisions; let there be no other distinction heard of among us for the future, but of those who are for the protestant religion, and the present establishment, and of those who mean a *popish* Prince and a *French* government.

‘ I will only add this, if you do in good earnest desire to see *England* hold the ballance of *Europe*, and to be indeed at the head of the protestant interest, it will appear by your right improving the present opportunity.’

This wise and affectionate speech was extremely grateful to both houses, and they were very unanimous in their thanks for it. The Lords began the new year with this seasonable address.

Die Jovis 1. Januarii, 1701-2.

The Address
of the Lords.

WE your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, did hear with all imaginable satisfaction, your Majesty's most gracious speech to both your houses of Parliament; for which we return your Majesty our most humble and hearty thanks. And though the several particulars which
your

your Majesty was pleased to recommend to us, are of the highest importance; and that we will lose no time in proceeding to the consideration of them, with great duty to their Majesty; yet we cannot defer expressing our just resentments of the proceedings of the *French King*, in owning and setting up the pretended Prince of *Wales* for King of *England*, and other your Majesty's realms and dominions; which we take to be the highest indignity that can be offered to your sacred Majesty, and this Kingdom. And we do assure your Majesty, we are so sensible thereof, that we are resolved to assist your Majesty to the utmost of our power, in defending your sacred person and government from all attempts whatsoever that shall be made either from your open or secret enemies. And that no enemies to our religion and country, may ever hope to prosper in their attempts against us, when, to our great unhappiness, it shall please God to deprive us of your Majesty's protection, we do further declare our resolutions to assist and defend, to the utmost of our power, against the pretended Prince of *Wales*, and all other Pretenders whatsoever, every person and persons who have right to succeed to the crown of these Realms, by virtue of the two acts of Parliament, entitled, *An act declaring the rights and liberties of the subject, and settling the succession of the crown; and, an act for the farther limitation of the crown, and better securing the rights and liberties of the subject.* And we conclude with our earnest prayers to Almighty God, for your Majesty's long and happy reign over us.

To this Address his Majesty made this Answer.

My Lords,

I Heartily thank you for your very seasonable address, and for all your kind expressions of duty to me in it. I recommend to you to take into your speedy consideration

The King's
Answer.

the other matters mentioned in my speech, and doubt not but that your resolutions will be for the honour and safety of the kingdom.

On the 5th of *January* the Commons presented their address in this agreeable form.

Most Gracious Sovereign,

Address of
the Com-
mons.

WE your Majesty's most dutiful and loyal subjects, the Commons of *England* in Parliament assembled, do return our most humble and hearty thanks to your Majesty, for your most gracious speech from the throne ; and humbly crave leave to assure your Majesty, that this house will support and defend your Majesty's lawful and rightful title to the crown of these realms, against the pretended Prince of *Wales*, and all his open and secret abettors and adherents, and all other your Majesty's enemies whatsoever. And we will enable your Majesty, to shew your just resentment of the affront and indignity offered to your Majesty and this nation, by the *French* King, in taking upon him to declare the pretended Prince of *Wales* King of (*England*, *Scotland* and *Ireland* : And we are firmly and unanimously resolved to maintain and support the succession to the imperial crown of this realm, and the dominions and territories thereunto belonging, in the protestant line, as the same is settled by an act declaring the rights and liberties of the subject, and settling the succession of the crown ; and farther provided for by an act of the last Parliament, entituled, *An act for the farther limitation of the crown, and better securing the rights and liberties of the subject.* And for the better effecting the same, we will, to the utmost of our power, enable your Majesty to make good all those alliances your Majesty has made, or shall make, pursuant to the addresses and advice of your most dutiful and loyal Commons of the last Parliament, for the preserving the liberties of

of *Europe*, and reducing the exorbitant power of *France*.

To which his Majesty gave this answer.

Gentlemen,

I Give you my hearty thanks for this address, which King's
Answer.
I look upon as a good omen for the session. The unanimity with which it passed, adds greatly to the satisfaction I receive from it; so good a step at your first entrance upon business, cannot but raise the hopes of all who wish well to England and to the common cause. I can desire no more of you than to proceed as you have begun; and I depend upon it: For when I consider how chearfully and universally you concurred in this address, I cannot doubt but every one of you will sincerely endeavour, to make it effectual in all the parts of it.

The Lords had taken into seasonable consideration the dangerous state of *Europe*, more especially arising from the Duke of *Anjou's* possessing the crown of *Spain*, which made in effect a conjunction with *France*, and so must inevitably overthrow the balance of power, unless timely prevented by strong alliances of other states and Princes: And therefore on January 6th, their Lordships addressed the King a second time in these words.

WE your Majesty's most loyal and dutiful subjects, the Lords spiritual and temporal in Parliament assembled, are highly sensible of what we owe to Almighty God, for the great deliverance he hath wrought for us by your Majesty. We are highly sensible of his mercies in preserving you hitherto, in so many publick and private dangers to which your sacred person hath been exposed; and we hope the same providence will carry your Majesty through the great work (which seems reserved for

Second
Address of
the Lords.

for you) the reducing the exorbitant power of *France*, and maintaining the balance of *Europe*.

All true *Englishmen*, since the decay of the *Spanish* monarchy, have ever taken it for granted, that the security of their religion, liberty and property, that their honour, their wealth, and their trade, depend chiefly upon the proper measures to be taken from time to time in Parliament, against the growing power of *France*: But it is their peculiar blessing in your Majesty's reign, to have a Prince upon the throne, who not only agrees with them in this opinion, but who, in the frequent Parliaments assembled, is ever reminding them of this their greatest concern; and who to compleat their happiness, is always ready, with the hazard of his person, to support his subjects and allies against their common enemy.

And we esteem it a further good fortune, in this time of publick danger, that the *French* King has taken those measures, which will make it impossible for him to impose any more upon the world, by treaties so often violated: Neither can he hope any longer to cover his ambitious designs, or justify his usurpations under the specious pretences of peace.

Your Majesty hath so justly represented the danger to which *Europe* is exposed, by the *French* King's placing his grandson on the throne of *Spain*; your Majesty is so justly sensible, that under that pretence he is become absolute master of the whole *Spanish* monarchy; and we are all so well apprized of the dangerous consequence of this bold attempt, that we think it most proper to assure your Majesty in your own words, that we are under the highest impatience, that speedy and effectual measures may be taken, against the undoubted ambition of the *French* King.

And as the placing his grandson upon the throne of *Spain* is visibly, to the whole world, the cause of all those dangers mentioned in your Majesty's speech, and of the breach of the balance of power in *Eu-
rope*,

rope, which the people of *England* are so deeply engaged to preserve; so we humbly conceive the remedy is as apparent as the disease; and that your Majesty, your subjects and allies, can never be safe and secure, till the house of *Austria* be restored to their rights, and the invader of the *Spanish* monarchy brought to reason.

To conclude, Sir, as we humbly addressed to your Majesty last Parliament, to enter into alliances with the *Emperor*, the states of *Holland*, and all other Princes and states, willing to unite against the power of *France*; so we take the liberty at this time to assure you, we are all willing and zealous to lay hold of this opportunity, which the blessing of God, and your Majesty's care, have put into our hands; resolving to make our utmost efforts for our own security, and the support of our allies; desiring of your Majesty to rest assured, that no time shall be lost, nor any thing wanting on our part, which may answer the reasonable expectations of our friends abroad; not doubting but to support the reputation of the *English* name, when engaged under so great a Prince, in the glorious cause of maintaining the liberty of *Europe*.

His Majesty returned this Answer.

My Lords,

I Am extreamly pleased to find the just sentiments you have of the present state of affairs, and your readiness to do your part in this great juncture, I hope our joint endeavours will be successful for restoring the balance of *Europe*, and establishing our common security.

January the 9th, the house of Commons resolved, *nemine contradicente*, That leave be given to bring in a bill for the further security of his Majesty's person, and

and the succession of the crown in the protestant line, and extinguishing the hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret Abettors. And on the next day they further resolved, ‘ That an humble address be presented to his Majesty, that he will be graciously pleased to take care, that it be an article in the several treaties of alliance with his Majesty and other Potentates, That no peace shall be made with *France*, until his Majesty and the nation have reparation for the great indignity offered by the *French* King, in owning and declaring the pretended Prince of *Wales* King of *England*, *Scotland*, and *Ireland*.’ To which the King gave a cheerful answer, *That he would take care of what they desired.*

The Commons assert their Privileges.

In the controverted election at *Maidston*, between *Thomas Blisse* and *Thomas Colepepper*, Esqs; The house of Commons resolved That the latter had been guilty of corrupt, scandalous, and indirect practices, in endeavouring to procure himself to be elected a Burgess; and being one of the instruments in promoting and presenting the scandalous, insolent, and seditious Petition, commonly called the *Kentish Petition*, to the last house of Commons, was guilty of promoting a scandalous, villainous, and groundless reflection upon the said house of Commons, by aspersing the members with receiving *French* money, or being in the interest of *France*; for which offence he should be committed to *Newgate*, and his Majesty’s Attorney-General should prosecute him for the said crimes.

Under this indignation, they resolved on *February* the 26th, That agreeable to the opinions of a Committee appointed to consider of the rights, liberties, and privileges of the house of Commons, to assert that the house of Commons is not the only representative of the Commons of *England*, tends to the

the subversion of the rights and privileges of the house of Commons, and the fundamental constitution of the government of this kingdom. 2d, That to assert that the house of Commons have no power of commitment, but of their own members, tends to the subversion of the constitution of the house of Commons. 3d, That to print or publish any books or libels reflecting upon the proceedings of the house of Commons, or any member thereof, for, or relating to his service therein, is a high violation of the rights and privileges of the house of Commons. 4th, That it is the undoubted right of the people of *England*, to petition to address to the King for the calling, sitting, or dissolving of Parliaments, and for the redressing of grievances. 5th, That it is the undoubted right of every subject of *England*, under any accusation, either by impeachment or otherwise, to be brought to a speedy trial, in order to be acquitted or condemned.

But the King's illness, and death, which happened on the 8th of *March*, put a stop to their proceedings.

The same day, the Princess *Ann* was proclaimed Queen of *England*, &c. in usual form.

On the 11th of *March*, her Majesty went to the house of Peers, where after she had sent for the Commons, she thus delivered herself to both houses.

My Lords and Gentlemen,

I Cannot too much lament my own unhappiness, in succeeding to the crown so immediately after the loss of a King, who was the great support not only of these kingdoms, but of all *Europe*; I am extremely sensible of the weight and difficulty it brings upon me.

Queen's
speech
in Parlia-
ment.

‘ But the true concern I have for our religion, for
 ‘ the laws and liberties of *England*, for maintain-
 ‘ ing the succession of the crown in the protestant
 ‘ line, and the government in church and state, as
 ‘ by law established, encourages me in this great
 ‘ undertaking, which, I promise my self, will be
 ‘ successful, by the blessing of God, and the con-
 ‘ tinuance of that fidelity and affection of which you
 ‘ have given me so full assurances.

‘ The present conjuncture of affairs requires the
 ‘ greatest application and dispatch; and I am very
 ‘ glad to find in your several addresses, so unanimous
 ‘ a concurrence in the same opinion with me, that
 ‘ too much cannot be done for the encouragement
 ‘ of our allies, to reduce the exorbitant power of
 ‘ *France*.

‘ I think it very necessary, at this time, to desire
 ‘ you to consider of proper methods for attaining an
 ‘ union between *England* and *Scotland*, which has
 ‘ been so lately recommended to you, as a matter that
 ‘ very nearly concerns the peace and security of both
 ‘ kingdoms.

Gentlemen of the house of Commons,

‘ I need not put you in mind, that the revenue for
 ‘ defraying the expences of the civil government is
 ‘ expired: I rely entirely upon your affection for
 ‘ the supplying it in such a manner, as shall be most
 ‘ suitable for the honour and dignity of the crown.

My Lords and Gentlemen,

‘ It shall be my constant endeavour to make you
 ‘ the best return for that duty and affection, which
 ‘ you have expressed to me, by a careful and dili-
 ‘ gent administration for the good of my subjects:
 ‘ and as I know mine own heart to be entirely *Eng-*
 ‘ *lish*, I can very sincerely assure you, there is not
 ‘ any thing you can expect or desire from me,
 ‘ which I shall not be ready to do, for the happiness
 ‘ and

‘ and prosperity of *England* ; and you shall always
 ‘ find me a strict and religious observer of my
 ‘ word.’

The Commons having, by such members of their house as were of the Privy-Council, returned their humble thanks to the Queen for her gracious speech, she gave the message a very gracious reception, and was pleased to command Sir *Charles Hedges* to assure them, *That nothing should be wanting, on her part, that might contribute to their safety and welfare.*

In the mean time, the house, in pursuance of their *Sunday's* resolution, having prepared their address, and agreed to all the points of it, went in a body to *St. James's*, and there presented the same to her Majesty, as follows :

Most gracious Sovereign,

‘ **W**E your Majesty's most dutiful and loyal
 ‘ subjects, the Commons in Parliament as-
 ‘ sembled, having a deep sense of the great loss the
 ‘ nation has sustained, by the death of our late sove-
 ‘ reign Lord King *William the third*, of glorious
 ‘ memory, who, under God, was our Deliverer
 ‘ from Popery and Slavery, humbly crave leave to
 ‘ condole with your Majesty, and express our sor-
 ‘ row upon this sad occasion.

Commons
 Address to
 the Queen.

‘ Your Majesty's accession to the throne (which
 ‘ we most heartily congratulate) and your zeal for
 ‘ our religion, and the government, as by law esta-
 ‘ blished, gives us a certain prospect of future hap-
 ‘ piness, moderates our grief, and engages us unani-
 ‘ mously to assure your Majesty, that we will to the
 ‘ utmost assist and support your Majesty on the
 ‘ throne where God has placed you, against the pre-
 ‘ tended Prince of *Wales*, and all your enemies ; and
 ‘ since nothing can conduce more to the honour and
 ‘ safety of your Majesty, and your kingdoms, than

‘ the maintaining inviolably such alliances as have
 ‘ been made, or that your Majesty shall think fit to
 ‘ make with the *Emperor*, the *States-General* of the
 ‘ *United-Provinces*, and other Potentates, for pre-
 ‘ serving the liberties of *Europe*, and reducing the
 ‘ exorbitant power of *France*; we do assure your
 ‘ Majesty, that we are firmly resolved to the utmost
 ‘ of our power, to enable your Majesty to prosecute
 ‘ the glorious design. And that all your subjects
 ‘ may rest in a full assurance of happiness under
 ‘ your Majesty’s reign, we will maintain the succes-
 ‘ sion of the crown in the Protestant line, accord-
 ‘ ing to the limitation in the several Acts of set-
 ‘ tlement, and effectually provide for and make
 ‘ good the publick credit of the Nation.

The Speaker, on the 10th, having reported, that he had the day before, with the house, attended her Majesty with this address; and that the great crowd occasioning much noise, he had, to avoid any mistake, desired a copy of the Queen’s answer, and that her goodness was such, that she sent it to him of her own hand writing, as follows.

Gentlemen,

Queen’s An-
 swer.

I Return you my hearty thanks for the kind assurances you give me in this address. They cannot be any way more agreeably confirmed to me, than by your giving dispatch to all your preparations for the publick service, and the support of our Allies.

The same day also the Lords presented her Majesty with their first address, drawn up in the following terms.

Lords Ad-
 dress to the
 Queen.

‘ **W**E your Majesty’s most dutiful and loyal sub-
 ‘ jects, the Lords spiritual and temporal in
 ‘ Parliament assembled, though deeply sensible of
 ‘ the unspeakable loss this nation hath sustained, by
 ‘ the

Lords
 drawp

Lords I

Lords Lo
 drawp dre

‘ the decease of his late Majesty, of glorious memo-
 ‘ ry, do, at the same time, most heartily congratu-
 ‘ late your Majesty’s happy accession to the throne ;
 ‘ and with all loyalty and duty assure your Majesty,
 ‘ of our zealous and firm resolution to support your
 ‘ undoubted right and title, and the succession in the
 ‘ Protestant line as by law established, against all
 ‘ your enemies whatsoever ; being sensible, our great
 ‘ loss is no otherwise to be repaired, to our selves,
 ‘ and to our confederates, but by a most sincere and
 ‘ vigorous adherence to your Majesty, and your
 ‘ allies, in the prosecution of those measures already
 ‘ entred into, to reduce the exorbitant power of
 ‘ *France* : And we will ever make it appear to your
 ‘ Majesty, and all the world, that our zeal and af-
 ‘ fection for your Majesty’s service, and the care we
 ‘ have of the publick safety, engage us to exert our
 ‘ selves with the utmost vigour and unity, for ob-
 ‘ taining, under your Majesty’s reign, such a ba-
 ‘ lance of power, and interest, as may effectually
 ‘ secure the liberties of *Europe*.

‘ And we further humbly desire, that for the en-
 ‘ couragement of your Majesty’s allies, no time may
 ‘ be lost in communicating to them your Majesty’s
 ‘ resolutions, of adhering firmly to the alliances al-
 ‘ ready made : And we shall never be wanting, to
 ‘ the utmost of our power, to enable your Majesty
 ‘ to maintain the same.

To which her Majesty was graciously pleased to answer in the following words.

My Lords,

I *It is with great satisfaction that I receive the as-* Her Maje-
sty’s answer.
surances you give me in your address.

*My endeavours shall be always very sincere to pro-
 mote the true interest of England, and support our
 common cause.*

Another
Address of
the Lords to
the Queen.

This was attended by a second address from the Lords, (acknowledging the satisfaction they received from her Majesty's most gracious speech,) which was presented to her upon the 13th of this instant, to this purpose: ' That they could not sufficiently express the great satisfaction they received from her Majesty's most gracious speech, trusting in God, it would have the same effect abroad as at home, equally reviving the hearts of her allies and subjects, uniting all people, and encouraging their utmost endeavours in the common cause: that sincere concern her Majesty had shewed for their religion, the government in church and state, as by law established, and the succession to the crown in the Protestant line, the hazards she had exposed herself to, in concert with his late glorious Majesty, for maintaining their laws and liberties, as well as her most gracious assurances at that time, gave her subjects such a confidence in her promises, such a dutiful affection to her person, such a zeal for her service, as would oblige them to make the utmost efforts, to support her Majesty under the weight and difficulty of the present conjuncture. That the concern her Majesty expressed for her allies, was a further obligation laid upon them, who were sensible their preservation was necessary to their own, and who were as desirous as ever to support the character of the crown of *England*, in enabling her Majesty to maintain the balance of *Europe*. That they could not make suitable returns to her Majesty, for her most gracious promises of a careful and diligent administration for the publick good, which they thought themselves sufficiently secured of, by so solemn an engagement under her sacred word. That her Majesty had been pleased to assure them of all they could wish, and recommend to them what they ought to desire: And they doubted not her pious intentions would procure a blessing from Heaven.

' And

‘ And that her Majesty might be assured, that reso-
 ‘ lutions, so becoming a Queen of *England*, could
 ‘ not but make the deepest Impression upon all hearts
 ‘ that were true to the interest of their country.

To which her Majesty returned the following
 gracious answer.

My Lords,

I *T* is a great satisfaction to me to find, that what I Queen's
Answer.
 have said has your concurrence and approbation.

And I am willing to repeat to you, upon this occa-
 sion, that I shall always hold very exactly to the assu-
 rances I have given you.

The Queen having declared war against *France* and
Spain, and communicated her intentions to the
 Parliament ; the Lords, on the 5th of *May*, pre-
 sented the following address to her Majesty.

‘ **W**E, your Majesty's most dutiful and loyal Lords Ad-
drefs to the
Queen.
 ‘ subjects, the Lords spiritual and temporal
 ‘ in Parliament assembled, do return your Majesty
 ‘ our most humble thanks, for laying before us the
 ‘ convention made by your Majesty with the *Empe-*
 ‘ *ror*, and the *States-General*, in order to a concur-
 ‘ rent declaration of war against *France* and *Spain*,
 ‘ and of your royal intention to declare the war ac-
 ‘ cordingly ; and beg leave to assure your Majesty,
 ‘ that we shall never be wanting to give your Ma-
 ‘ jesty our utmost assistance, in the prosecuting so
 ‘ just and necessary a war, on the good success where-
 ‘ of, under God, the welfare of these your king-
 ‘ doms, and the liberties of *Europe*, do entirely de-
 ‘ pend.

This address was no less favourably received than
 graciously answered, as follows :

My Lords,

Her Majesty's answer.

I Return you many thanks for your address, and the assurances of your support and assistance, which are always very agreeable to me, and particularly upon this occasion.

The Commons presented their address to the same effect, the day before, containing these few lines.

Most gracious Sovereign,

Commons address to the Queen.

WE, your Majesty's most dutiful and loyal subjects, the Commons of England, in Parliament assembled, being highly sensible of your Majesty's great and tender care for the safety and welfare of your people, do, with one voice, return your Majesty our most humble thanks, for your gracious condescension in communicating to us your royal intentions of declaring war, in conjunction with your Majesty's allies, against the French King and his grandson; and we do heartily assure your Majesty, that we will, to the utmost, enable your Majesty to carry on the said war.'

To which, the next day, the Speaker reported back to the house her Majesty's gracious answer, as follows:

Gentlemen,

Queen's answer.

I Am extreamly pleased with the assurances of your resolution to assist and support me in this war. I make no doubt, but your unanimity upon this occasion, will have a very good effect, for the encouragement of our allies.

At the same time came forth in print, by order of the house of Lords dated the 5th of May, the resolution

tion

tion and proceeding of their Lordships upon an affair of great moment. There was a scandalous story raised, wherein, not only the late King, but her present Majesty also was traduced; *viz.* That the late King *James* did before his death, write a letter to the Queen, wherein he charged her not to accept by any means of the crown, upon the death of King *William*, but make way for the succession of his pretended son; and that the King having notice hereof, and desiring to see the letter, she should refuse it; upon which, he should concert measures for setting her aside; and that papers were found in his closet to that purpose: Wherefore, the Lords having made inquiry into the matter, and as much as in them lay, to vindicate the honour of their late royal sovereign, deceased, they came to this resolution.

‘ That whereas their Lordships had been informed, that there had been a report spread abroad, that among the late King’s papers, some paper or papers had been found, tending to the prejudice of her present Majesty, of her succession to the crown; and the Lord President, the Lord Steward, the Lord Chamberlain, the Earl of *Marlborough*, and the Earl of *Albemarle*, who were the persons appointed by her Majesty to inspect the said papers, having at the desire of the house, severally declared, that amongst the late King’s papers, they did not see or find any paper or papers, in the least tending to the prejudice of her Majesty or her succession to the crown; or to her prejudice in any respect whatsoever, or which might give any ground or colour for such report: It is thereupon resolved by the Lords Spiritual and Temporal in Parliament assembled, that the said report is groundless, false, villainous and scandalous, to the dishonour of the late King’s memo-

Lords resolution concerning false reports of the deceased King.

‘ ry, and highly tending to the disservice of her
‘ present Majesty.’

‘ It is ordered by the Lords Spiritual and Tem-
‘ poral in Parliament assembled, that the matter of
‘ fact aforesaid, and the resolution of this house there-
‘ upon, be laid before her Majesty by his Grace
‘ the Duke of *Bolton*, the Earl *Marshal*, the Earl of
‘ *Radnor*, the Earl of *Stamford*, the Earl of *Scarbo-*
‘ *rough*, and the Lord *Ferrers*: And that they do
‘ humbly desire her Majesty, from this house, that
‘ her Majesty will give order to Mr. Attorney-Ge-
‘ neral, to prosecute with the utmost severity of law,
‘ the authors or publishers of the above-mentioned,
‘ or such like scandalous reports.’

In pursuance of this resolution, and proceeding of
their Lordships, the Duke of *Bolton* acquainted the
house, that himself, and the other Lords, attended
and presented their Lordships resolution to her Ma-
jesty ; in answer thereunto, she was graciously pleas-
ed to say :

Queen's
answer.

*I am very ready to do any thing of this kind : I will
give directions to Mr. Attorney-General, effectually
to prosecute the authors and publishers of such false
reports.*

Lords pro-
ceedings in
respect to
the history
of the last
Parliament.

Besides the above censure, the Lords had under
their consideration a complaint made of a passage
in the preface of a printed book, entituled, *The hi-*
story of the last Parliament, begun at Westminster in
the reign of King William, Anno 1700. The pas-
sage was read to the house, and is as follows, viz.
‘ And perhaps, there was a third thing in prospect
‘ of deeper reach than all these ; which was, that
‘ should it have pleased God, for our sins, to have
‘ snatched from us the King, on the sudden, by
‘ chance of war, or other fatal accident, during the
‘ tumult

‘ tumult of arms abroad, and the civil disorders
‘ they had raised among us at home, and a nume-
‘ rous, corrupt, licentious party throughout the na-
‘ tion, from which the house of Commons was
‘ sometimes not free; they might entertain hopes
‘ from the advantage of being at the helm, and
‘ the assistance of their rabble, to have put in prac-
‘ tice their own schemes, and to have given us a new
‘ model of government of their own projection, and
‘ so to have procured to themselves a lasting impunity,
‘ and to have mounted their own beast, the rabble,
‘ and driven the sober part of the nation like cattle
‘ before them.

‘ That this is no groundless conjecture, will rea-
‘ dily appear to any considering persons, from the
‘ treatment her royal Highness the Princess of *Den-*
‘ *mark*, the Heiress apparent to the crown, met with
‘ all along from them and all their party. They
‘ were not contented to shew her a constant neglect
‘ and slight themselves, but their whole party were
‘ instructed not only to treat her with disrespect, but
‘ spight; they were busy to traduce her with false
‘ and scandalous aspersions; and so far they car-
‘ ried the affront, as to make her, at one time,
‘ the common subject of the tittle tattle of almost
‘ every Coffee-house and drawing-room; which they
‘ promoted with as much zeal, application and
‘ venom, as if a bill of exclusion had then been
‘ on the anvil, and these were the introductory
‘ ceremonies.’

The passage being thus read, it was thereupon
ordered by the Lords spiritual and temporal in Par-
liament assembled, That *Francis Coggan*, *Robert*
Gibson and *Thomas Hodgson*, for whom the said book
was mentioned to be printed, should, and were there-
by required to attend that house, on the *Saturday*
following at eleven a clock: But their Lordships, in
the mean time, being informed, that *Dr. Drake*
owned himself to be the author of the book, and
that

that he desired he might be appointed to attend at the same time : Thereupon it was ordered, that he should attend the house on *Saturday*, the same hour ; when after reading the order made the 6th, at the desire of Dr. *Drake*, for his attendance that day, the house took into their consideration the above-mentioned paragraph. After the reading whereof, Dr. *Drake* was called in, and the order being read to him, the Lord-Keeper asked him what he had to say concerning the said book ; and the book and the said paragraph being shewed him, he own'd he writ the book, and that paragraph in particular ; and he thought he had just reasons to write it, he having heard her Highness talked of disrespectfully in almost every Coffee-house. Then he withdrew : And after some debate was called in again ; and the Lord-Keeper told him, the house was not satisfied with what he had said, but thought he trifled, and required him to acquaint the house with the grounds of his writing that paragraph. He answered, he found it mentioned in divers anonymous pamphlets published at that time, and hoped it was no hurt to answer those pamphlets, and desired time to recollect what those pamphlets were : And then withdrew.

After some time he was called in again, and asked the following questions, *viz.*

If he could charge any person or persons in the kingdom, with the matters asserted by him in that paragraph ?

To which he answered, that he did not know any such person.

Then he was asked, whether he had heard any other persons say, that they could charge any person whatsoever with the matters contained in that paragraph ?

He

He said, he did not know of any such persons.

Being farther asked, if he had any other grounds besides the pamphlets, and what these pamphlets were?

He said, he had no other grounds besides the pamphlets; and named the several pamphlets following, as his reason for writing the said paragraph, viz. *The two Legion Letters*; the *Black List*; the *Jura Populi Anglicani*; and *Toland's reasons for inviting over the Princess of Hanover*. And being asked, if in any one of these pamphlets there was any thing said about setting aside the present Queen? he answered, he did not remember there was.

Then, he being withdrawn, the said paragraph was taken into consideration, and it was proposed to pass a censure thereupon. And after debate, this question was put, that a censure should be then put upon the said paragraph. It was resolved in the affirmative.

Then this question was put, That in the preface of the book, intituled, *the history of the last Parliament, begun at Westminster the 10th day of February, in the twelfth year of the reign of King William, Anno Dom. 1700*. There were several expressions which were groundless, false, and scandalous, tending to create jealousies in her Majesty of her people, and to cause great misunderstandings, fears, and disputes amongst the Queen's subjects, and to disturb the peace and quiet of the kingdom.

It was resolved in the affirmative, in these words,
‘ It is resolved and declared by the Lords spiritual
‘ and temporal in Parliament assembled, That in
‘ the preface of a book intituled, *The history of the*
‘ *last Parliament, begun at Westminster the 10th day*
‘ *of February, In the twelfth year of the reign of*
‘ *King William, Anno Domini, 1700* (written by
‘ *Dr. Drake, as he owned at the bar*) there are se-
‘ veral expressions, which are groundless, false, and
‘ scandalous,

‘ scandalous, tending to create jealousies in her Ma-
 ‘ jesty of her people, and to cause great misunder-
 ‘ standings, fears, and disputes amongst the Queen’s
 ‘ subjects, and to disturb the peace and quiet of the
 ‘ kingdom.’ After which they ordered her Majesty’s
 Attorney-General forthwith effectually to prose-
 cute the said Doctor *Drake*, for having writ the said
 paragraph.

The Lords
 proceedings
 in respect to
Tom Double.

On the 12th of *May*, the order being read for the
 Master and Wardens of the stationers company,
 and *John Nutt*, to attend to give an account of what
 they have done, in order to find out the Author and
 printers of the book intituled, *Tom Double returned*
out of the country: Or the true picture of a modern
Whig, set out in a second dialogue between Mr. Whig-
love and Mr. Double, at the Rummer-Tavern in
Queen’s street. They were called in, and Mr. *Nutt*
 said, That Mr. *Barber* the printer gave him the
 book to publish, and they withdrew. Then the
 house went into consideration of the paragraphs in
 the 89th and 90th pages of the said book, which
 were read as followeth, viz.

‘ *Whiglove*, I find we have miscarried in one great
 ‘ design, the train would not take, we were very
 ‘ hot upon it just before the Parliament met, all
 ‘ the Whig Coffee-houses rung how necessary
 ‘ ’twas to break into the acts of settlement, and to
 ‘ exclude.

‘ *Double*. Mum, *Whiglove*, talk no more upon
 ‘ that subject, I beseech you ; fresh orders are issued
 ‘ out, and since we are not strong enough to make
 ‘ it go, and that on the contrary, it has alarmed and
 ‘ provoked all sorts of men, we are now directed to
 ‘ say, that never any such thing was intended by our
 ‘ party, though God knows, it was the whole dis-
 ‘ course of all our clubs. Under the rose, this was
 ‘ one of those embrio’s that proved abortive upon
 ‘ the 30th of *December* last ; but though it be not
 ‘ seasonable

‘ seasonable to stir in it now, never fear our aban-
‘ doning a wicked design, we never quite lay aside
‘ any mischief ; however, since it has really opened
‘ the eyes of a great many, and weakened our in-
‘ terest among several of our own side, whom, (with
‘ grief of mind I speak it) we cannot work up to be
‘ guilty of so much injustice, let us take all occa-
‘ sions of declaring, that we will not violate these
‘ acts upon any account whatsoever ; which we may
‘ the more safely do, because you know ’tis our
‘ principle, not to think that we are bound by any
‘ protestations we make, either in private or in pub-
‘ lick ; and ’tis one of the great advantages we have
‘ over the rest of our fellow subjects, and we can
‘ fetter the consciences of others, while our own are
‘ at perfect liberty.’

Then it was proposed to pass the same censure on these passages, as was passed on part of the preface of Dr. *Drake's* book.

After debate the question was put, Whether the house should be then adjourned : It was resolved in the negative. Then this question was proposed, That in the paragraphs which have been read, contained in the 89th and 90th pages of the book intitled, *Tom Double returned out of the country, &c.* there were several expressions, which were groundless, false, and scandalous, tending to create jealousies in her Majesty of her people, and to cause great misunderstandings, fears, and disputes amongst the Queen's subjects, and to disturb the peace and quiet of the kingdom.

Then the question was put, Whether the words, *groundless, false, and scandalous*, should be left out of the question ? It was resolved in the negative : After which the main question was put, That in the paragraphs which had been read, as aforesaid, there were several expressions which were groundless, false, and scandalous, tending to create jealousies in her
Majesty

Majesty of her people, and to cause great misunderstandings, fears, and disputes amongst the Queen's subjects, and to disturb the peace and quiet of the kingdom. It was resolved in the affirmative, in these words ; ' It is resolved and declared by the ' Lords spiritual and temporal in Parliament assembled, that in the paragraphs which have been read, ' contained in the 89th and 90th pages of the book, ' intituled, *Tom Double returned out of the country : Or the true picture of a modean Whig, set forth in a second dialogue between Mr. Whiglove and Mr. Double, at the Rummer tavern in Queen's-street*, there ' are several expressions which are groundless, false, ' and scandalous, tending to cause great misunderstandings, fears, and disputes amongst the Queen's ' subjects, and to disturb the peace and quiet of the ' kingdom.

Lords censure the animadversions upon two sermons on the 30th of January.

This being over, and complaint being made to the house on the 16th, of a book intituled, *Animadversions upon the two last 30th of January sermons*. One preached to the honourable house of Commons: The other to the lower house of convocation. In a letter. After reading and considering the several paragraphs and places therein, and debate thereupon ; it was resolved and declared by their Lordships, that the book or pamphlet aforesaid, was a malicious, villainous libel, containing very many reflections on King Charles the first, of ever-blessed memory, and tending to the subversion of the monarchy : And thereupon it was ordered by the Lords spiritual and temporal in Parliament assembled, that the pamphlet should be burnt by the hands of the common hangman at *Westminster*, on *Friday*, the 22d day of this instant, between the hours of one and two of the clock in the afternoon of the said day.

Lords censure Dr. Binckes's Sermon.

Then the house took into their consideration a book, intituled, *A sermon preached on January the 30th, 1701. in King Henry the seventh's chapel, before*

fore the reverend clergy of the lower house of convocation. By W. Binckes, D. D. a Proctor for the diocese of Lichfield and Coventry. And some parts or paragraphs out of the ninth, tenth, and fifteenth pages of the said book being read, as followeth, viz.

‘ And first, As to the near resemblance between
‘ the parties concerned, as well the actors as the
‘ sufferers, comparing those in the text with those of
‘ the day.

‘ And here, one would imagine, the latter were
‘ resolved to take St. Paul’s expression in the most
‘ literal sense the words will bear, and crucify to
‘ themselves the Lord afresh, and in the nearest like-
‘ ness that could be, put him to an open shame. If,
‘ with respect to the dignity of the person, to have
‘ been born King of the Jews, was what ought to have
‘ screened our Saviour from violence, here is also
‘ one, not only born to a crown, but actually pos-
‘ sessed of it. He was not only called King by
‘ some, and at the same time derided by others for
‘ being so called, but he was acknowledged by all
‘ to be a King ; he was not just dressed up for an
‘ hour or two in purple robes, and saluted with a
‘ hail King, but the usual ornaments of Majesty were
‘ his customary apparel ; his subjects owned him to
‘ be their King, and yet they brought him before
‘ a tribunal, they judged him, they condemned
‘ him ; and that they might not be wanting in any
‘ thing to set him at naught, they spit upon him,
‘ and treated with the utmost contempt. Our Sa-
‘ viour’s declaring that his kingdom was not of this
‘ world, might look like a sort of renunciation of
‘ his temporal sovereignty, for the present desiring
‘ only to reign in the hearts of men ; but here was
‘ nothing of this in the case before us ; here was an
‘ indisputable, unrenounced right of sovereignty,
‘ both by the laws of God and man ; he was the
‘ reign-

‘ reigning Prince, and the Lord’s anointed ; and
‘ yet, in despite of all law, both human and divine,
‘ he was by direct force of arms, and the most dar-
‘ ing methods, of a flagrant rebellion and violence,
‘ deprived at once of his imperial crown and life.

‘ The fact of this day was such a vying with the
‘ first arch-rebel, the apostate Angel *Lucifer* : It
‘ was such a going beyond the old serpent in his
‘ own way of insolence and pride, that it is no won-
‘ der if he then began to raise his head, and set up
‘ for dominion in this world, when thus warmed
‘ and enlivened by a fiery zeal in some, and rage
‘ in others, to the degree of drunkenness, thirsting
‘ after and satiating themselves in royal blood ; and
‘ in which respect only, heated to the degree of
‘ frenzy and madness, the plea in my text may seem
‘ to have some hold of them. *Father, forgive them,*
‘ *for they know not what to do.*

After debate thereupon, it being proposed to cen-
sure these paragraphs, the house came to the fol-
lowing resolution :

‘ It is resolved and declared by the Lords spi-
‘ ritual and temporal in Parliament assembled, That
‘ in the book, intituled, *A sermon preached on Ja-*
‘ *nuary the 30th 1701, in King Henry the seventh’s*
‘ *chapel, before the reverend clergy of the lower house*
‘ *of convocation, by W. Binckes, D. D. a Proctor for*
‘ *the diocess of Lichfield and Coventry* ; there are se-
‘ veral expressions that give just scandal and offence
‘ to all christian people.’ Then it being proposed
to burn that sermon. It was resolved in the ne-
gative : But at the same time their Lordships or-
dered, That the resolution above-recited, should be
communicated to the Lord Bishop of *Lichfield* and
Coventry, his Ordinary, whom they left to censure
him as he thought fit, according to the rules of
those courts.

In the last place, complaint being made to the house, of two passages in the Pamphlet, intituled, *I. Reasons for addressing his Majesty to invite into England their highnesses the Electorefs dowager and the electoral Prince of Hanover.* And likewise, *II. Reasons for attainting and abjuring the pretended Prince of Wales, and all others pretending any claim, right or title from the late King James and Queen Mary, with arguments for making a vigorous war against France.* The passages were read to the house, and are as followeth, (*viz.*)

Lords cen-
sure a book
about invita-
ing over the
E. of Han-
over, &c.

‘ It appears from history, that all free people
‘ have set aside the children of *Tyrants*, for reasons of
‘ external and universal force, as inheriting the prin-
‘ ciples and designs of their parents, bearing an af-
‘ fection to their friends, and owing a revenge to
‘ their enemies; as more likely to grasp at a great-
‘ er power than even their parents, the better to se-
‘ cure themselves from their disgrace, and being
‘ under extraordinary obligations to those foreign
‘ potentates, who protected or restored them.

‘ 31. In fine, whether the *Abjuration* be penal or
‘ voluntary, (for I cannot doubt of one or the other)
‘ I hope care will be taken that it be tendered, as I
‘ said before, to all manner of persons, not except-
‘ ing the King’s Majesty, or her royal highness the
‘ Princess of *Denmark*. For all the securities we
‘ give to them, they owe this security to us. Not
‘ that I doubt either of them, from which I am the
‘ farthest of any man in the world; but they both
‘ of them very well know, what stories and surmises
‘ our enemies have been actually spreading to amuse
‘ and intimidate the people: they have whispered
‘ horrible things of blind and clancular bargains,
‘ but *Cæsar’s* wife ought to be unsuspected, as well
‘ as innocent.’

After which, it was resolved and declared by the Lords spiritual and temporal in Parliament assembled, that there were in that pamphlet assertions and insinuations, scandalous and dangerous, tending to alienate the affections of the subjects of this kingdom from her Majesty, and to disturb the peace and quiet of the kingdom.

While the Lords were thus engaged in censuring these books, the Commons were now hasting to bring the several bills before them to perfection, more particularly those relating to *Ireland*, in respect to which it was ordered, that the forfeited estates should by the Trustees be sold to Protestants only.

On the 25th. of *May* her Majesty put an end to this Session, by the following speech to both houses of Parliament.

My Lords and Gentlemen,

Queen's
speech in
Parliament.

I Cannot conclude this Session, without repeating my hearty thanks to you all, for your great care of the publick, and the many marks you have given of your duty and affection to me.

And I must thank you, Gentlemen of the house of Commons, in particular, both for the supplies you have given to support me in this necessary war, and the provisions you have made for the debts contracted in the former: Your great justice in making good those deficiencies will be a lasting honour and credit to the nation: I wish the difficulties, they have brought upon us, may be a warning to prevent such inconveniences for the future.

I must recommend to you all, in your several counties, the preservation of the publick peace, and a due execution of the laws.

I shall always wish that no differences of opinion among those that are equally affected to my service,

may be the occasion of heats and animosities among themselves. I shall be very careful to preserve and maintain the Act of Toleration, and to set the minds of all my people at quiet; my own principles must always keep me entirely firm to the interests and religion of the church of *England*, and will incline me to countenance those who have the truest zeal to support it.

And then the Lord-Keeper, by her Majesty's command, prorogued the Parliament till the seventh day of *July* next.

A new Parliament being met the 20th of *October*, and the Commons having chosen *Robert Harley*, Esq; for their Speaker. The Queen made the following speech to both houses.

My Lords and Gentlemen,

‘ **I** T is with great satisfaction I meet this Parliament, which I have summoned to assist me in carrying on the just and necessary war, in which we are engaged; I have called you together as early as was consistent with your convenience in coming out of your several counties; and I assure my self of such evidences of your affection to me, and of such zeal for our common cause, as will not only give spirit and forwardness to our own preparations, but such example and encouragement to our allies, as, by God's blessing, cannot fail of a good effect, for the advantage of the whole Confederacy.

‘ I have met with so many expressions of joy and satisfaction in all the counties, through which I have had occasion to pass, that I cannot but look upon them as true measures of the duty and affection of all my subjects.

Queen's
speech in
Parliament.

Gentlemen of the house of Commons,

‘ I must desire you to grant me such supplies, as
‘ will enable me to comply with our particular trea-
‘ ties and engagements already made, and such
‘ others as may be necessary for the encouragement
‘ of our Allies, and the prosecuting the war, where
‘ it shall most sensibly affect our enemies, and be
‘ most effectual for disappointing the boundless am-
‘ bition of *France*.

‘ And that my subjects may the more chearfully
‘ bear the necessary taxes, I desire you to inspect the
‘ accounts of the publick receipts and payments; and
‘ if there have been any abuses or mismanagements,
‘ I hope you will detect them, that the offenders
‘ may be punished, and others be deterred by such
‘ like examples from the like practices.

‘ I must observe to you with some concern, that
‘ the funds given by the last Parliament have in
‘ some measure fallen short of the sums proposed to
‘ be raised by them; and tho’ I have already paid
‘ and applied to the publick service the hundred
‘ thousand pounds, which I promised to the last
‘ Parliament, yet it has not supplied that defi-
‘ ciency.

My Lords and Gentlemen,

‘ I cannot without much trouble take notice to
‘ you of the disappointment we have had at *Cadiz* :
‘ I have not yet had a particular account of that
‘ enterprize, nor of all the difficulties our forces
‘ may have met with there; but I have had such
‘ a representation of disorders and abuses commit-
‘ ted at *Port St. Mary’s*, as hath obliged me to give
‘ directions for the strictest examination of that
‘ matter.

‘ I am earnestly desirous, for all our sakes, that
‘ this may prove a short session; however, I hope
‘ you will find time to consider of some better and
‘ more effectual method to prevent the exporta-
‘ tion

‘tion of wool, and to improve that manufacture,
 ‘which is of great consequence to the whole king-
 ‘dom; on my part nothing shall be omitted for its
 ‘encouragement.

‘I am firmly perswaded, that the love and good
 ‘affection of my subjects is the surest pledge of
 ‘their duty and obedience, and the truest and justest
 ‘support of the throne; and as I am resolved to de-
 ‘fend and maintain the church as by law establish-
 ‘ed, and to protect you in the full enjoyment of
 ‘all your rights and liberties, so I rely upon your
 ‘care of me; my interests and your’s are inseparable;
 ‘and my endeavours shall never be wanting to make
 ‘you all safe and happy.’

Then both houses falling upon business, upon the
 23d, the Lords spiritual and temporal presented
 her Majesty with the ensuing address.

WE your Majesty’s most dutiful and loyal sub-
 jects, the Lords spiritual and temporal in
 Parliament assembled, do with all dutiful acknow-
 ledgments, return your Majesty our most humble
 thanks for your gracious speech to both houses of
 Parliament; and take leave on this occasion to con-
 gratulate the prosperous and glorious success with
 which it hath pleased God to bless your Majesty’s
 arms, in conjunction with your allies, under the
 command of the Earl of *Marlborough*; as also for
 the other successes of your Majesty’s allies in *Ger-
 many* and *Italy*; and for the prosperous condition the
 trade of the nation is now in; which we acknow-
 ledge is chiefly owing to your Majesty’s great wis-
 dom and conduct. We humbly take leave to as-
 sure your Majesty, that we shall always be ready to as-
 sist you to our utmost in the prosecution of this just
 and necessary war.

Lords ad-
 dress to the
 Queen.

We likewise return your Majesty our most humble
 thanks for the resolution you are pleased to express,

to maintain and defend the church as by law established, and to protect us in the full enjoyment of our rights and liberties: And we farther presume to assure your Majesty, that we shall be ready, on all occasions, to support and defend your royal Person and government, with all possible zeal and duty.

To which her Majesty returned an answer, as follows:

My Lords,

Queen's
Answer,

YOUR Address is very acceptable to me: I thank you kindly for your congratulations; and I hope, you will have frequent occasions of renewing them.

Soon after, the house of Commons presented also their address to her Majesty in the following words.

Most gracious Sovereign,

The Com-
mons Ad-
dress.

WE your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, do beg leave to lay before your Majesty our most humble and hearty thanks for your most gracious speech from the throne, which gives us such instances of your Majesty's tender concern for your people, and of your entire confidence in their affections, as must engage them to make your Majesty the utmost returns of duty and gratitude.

It is great condescension in your Majesty to take notice, in so publick a manner, of the expressions of joy and satisfaction, with which your Majesty was received in all the counties through which you had occasion lately to pass. All your subjects have already received so many benefits under the influence of your Majesty's happy government, that your Majesty must have met with the like, in any other part of your dominions that you had honoured with your royal presence.

The late disappointment at *Cadiz* does the more affect us, because it gives your Majesty so much trouble;

trouble ; but this misfortune cannot make us forget, that the protection and security of our trade, the vigorous support of your Majesty's allies, and the wonderful progress of your Majesty's arms under the conduct of the Earl of *Marlborough*, have signally retrieved the antient honour and glory of the *English* nation.

After your Majesty's repeated assurances, we neither doubt of the full enjoyment of all our rights and liberties, nor of your Majesty's defending and maintaining the church as by law established ; your Majesty has been always a most illustrious ornament to this church, and have been exposed to great hazards for it ; and therefore we promise our selves, that in your Majesty's reign, we shall see it perfectly restored to its due rights and privileges, and secured in the same to posterity ; which is only to be done by divesting those men of the power who have shewn they want not the will to destroy it.

The prospect of these blessings, and your Majesty's desire to have the accounts of the publick receipts and payments inspected, and to have any abuses and mismanagements thereof punished, will very much endear your Majesty to your people ; and encourage us most chearfully to assist your Majesty with those supplies that may effectually enable your Majesty to make good such alliances, as shall be necessary to prosecute the war where it shall most sensibly affect your enemies, and thereby disappoint the boundless ambition of *France*.

Your Majesty may safely rely upon the care of your faithful Commons : The value you are pleased to set upon the love and affection of your subjects, is the highest obligation that can be laid on them, to give your Majesty pledges thereof in their duty and obedience. They are and shall always be sensible, that your Majesty's interest and their's are inseparable ; and as they gratefully acknowledge your Majesty's great designs to make them safe and happy,

so their prayers and sincerest endeavours, shall never be wanting to make your Majesty's reign more prosperous and more glorious than any of your Majesty's royal predecessors,

To which, as the Speaker signified to the house, her Majesty at the same time, returned her answer, as follows,

Gentlemen,

Queen's
Answer.

I Thank you very kindly for the many marks of your duty and affection expressed in this address. Nothing can be a greater satisfaction to me than an entire confidence between me and my subjects.

Proceedings
against the
Bishop of
Worcester.

Sir John Packington having, towards the beginning of the sessions, exhibited a complaint against the Lord Bishop of Worcester, and Mr. Lloyd his son, relating to the rights and privileges of the house of Commons, and on the 18th, reduced the matter of the said complaint into several heads; they were unanimously agreed to by the house, and they resolved thereupon, that it appeared to them, that the proceedings of William Lord Bishop of Worcester, his son, and his agents, in order to hinder the election of a member for the country of Worcester, had been malicious, unchristian, and arbitrary, an high violation of the liberties and privileges of the Commons of England; and that an address should be presented to the Queen, to remove the said Bishop from being Lord Almoner. They likewise ordered the Attorney-General to prosecute his son Mr. Lloyd, after his privilege as a member of the lower house of convocation was out; and some time after, that the Evidence at the bar of their house, and their proceedings thereupon should be printed.

The

The Lords alarmed at this procedure of the Commons, in respect to a member of their house, encountered the Commons with an address of their own, to this purpose ;

WE your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, humbly take leave to represent to your Majesty, that it is the undoubted right of every Lord of Parliament, and of every other subject of *England*, to have an opportunity of making his defence, before he suffer any sort of punishment: And therefore humbly desire your Majesty, that you will be pleased not to remove the Lord Bishop of *Worcester* from the place of Lord *Almoner*, nor to shew any mark of your displeasure towards him, till he be found guilty of some crime by due course of law.

Lords address to the Queen about the Bishop of Worcester.

Proceedings against the Bishop of Worcester.

To which her Majesty was pleased to return the following answer.

I Agree, that every Peer and Lord of Parliament, and, indeed, every other person, ought to have an opportunity of being heard to any matters objected against him, before he be punished.

Queen's answer.

I have not received any complaint of the Bishop of Worcester ; but I look upon it as my undoubted right, to continue or displace any servant attending upon my own Person, when I shall think it proper.

Their Lordships having received this answer, resolved, *nemine contradicente*, that no Lord of their house ought to suffer any sort of punishment, by any proceedings of the house of Commons, otherwise than according to the known and ancient rules, and methods of Parliament.

However their Lordships relished her Majesty's answer ; the Commons must needs be pleased with that

Queen's answer to the Commons address.

to their address, which was to this purpose, *That she was very sorry there was occasion for that address against the Bishop of Worcester; that she would order and direct, that he should no longer continue to supply the place of Almoner; but would put another in his room to perform that office.* For which answer the house returned her Majesty their most humble thanks.

On the 21st, the Speaker acquainted the house, that there had been with him that Morning, the prolocutor of the lower house of convocation, and also the Dean of Canterbury, Arch-Deacon Ottley, and Mr. Moor, and had brought him the following order.

Die Veneris, Novemb. 20. 1702.

Ordered,

An order of the lower house of convocation.

‘ That the prolocutor, the Dean of Canterbury, Arch-Deacon Ottley, and Mr. Moor, do attend
‘ Mr. Speaker of the honourable house of Commons, and return our most humble thanks to him,
‘ and to that honourable house, for the great favour
‘ to the church and convocation, which they had on
‘ all occasions been pleased to express, and particularly for that late regard which they of themselves, without suggestion, were pleased to have to the
‘ privilege of this house, in the case of one of our
‘ members, who had the misfortune to fall under
‘ their displeasure.’

Upon this, the house passed a resolution, that they would upon all occasions, assert the just rights of the lower house of convocation.

On the 21st, the house passed a resolution, that they would upon all occasions, assert the just rights of the lower house of convocation.

On the 10th of *December* the following message was brought to the house by Mr. Secretary *Hedges*, signed by the Queen herself.

Ann R.

'The Earl of *Marlborough's* service to her Majesty, and to the publick, have been so eminent, both in his command of the army, and in his having established an entire confidence and good correspondence between her Majesty and the States-General, that she has thought fit to grant the title of a Duke of this kingdom to him, and to the heirs male of his body, and also a pension of 5000 *l. per annum*. upon the revenue of the post-office, for the support of this honour, during her Majesty's natural life. If it had been in her Majesty's power, she would have granted the same term in the pension as in the honour, and she hopes you will think it so reasonable in this case, as to find some proper methods of doing it.'

The Commons, after the reading of the message, seemed for some time to be in amaze, and kept so long silent, that (it was said) the Speaker stood up, and looked round, to see if any body would speak to it: And at length Mr. S. ——— having broke the ice, the debate ran very high upon the occasion; and amongst others, common fame gave out, that an old member should say, *That though he had accepted of an employment at court, yet, he never did it with a design that his mouth should be sewed up in that house, when any thing was offered that he thought detrimental to his country.* And the house at length having wisely weighed this important affair, instead of complying with the message, on the 21st, presenting the following address to her Majesty in relation to it.

Most

Commons
address to
the Queen
about my
Lord Marl-
borough.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects the Commons in Parliament assembled, humbly beg leave to declare our unanimous satisfaction in the just esteem your Majesty has been pleased to express of the eminent services performed by the Duke of *Marlborough*, who has not only, by his conduct of the army retrieved the ancient honour and glory of the *English* nation, but by his negotiation established an entire confidence and good correspondence between your Majesty, and the States-General, and therein vindicated the gentlemen of *England*, who had by the vile practices of designing men, been traduced, and industriously represented as false to your Majesty's allies, because they were true to the interest of their country.

It is to their unexpressible grief, that your Majesty's most dutiful Commons find any instances, where they are unable to comply with what your Majesty proposes to them; but they beg leave humbly to lay before your Majesty the apprehensions they have of making a precedent for the future alienations of the revenue of the crown, which has been so much reduced by the exorbitant grants of the last reign, and which has been so lately settled and secured by your Majesty's unparallel'd grace and goodness.

We are infinitely pleased to observe, by your Majesty's late gracious acceptance of the Duke of *Marlborough's* services, that the only way to obtain your Majesty's favour, is to deserve well from the publick, and we beg leave to assure your Majesty, that whenever you shall think fit to reward such merit, it will be to the entire satisfaction of your people.

To

To which her Majesty returned the following
Answer.

*I Shall always think my self much concerned to re-
ward those who deserve well of me, and of the
publick: On this account I bestowed some favours on
the Duke of Marlborough, and I am glad to find you
think they are well placed.*

There had been a bill brought in early this session by the Commons, for preventing *Occasional Confor-*
mity; and though there was a good deal of oppo-
sition made to the bill by some gentlemen of that
house, yet it was carried there by a great majority;
and on the 2d of *December*, sent to the Lords for
their concurrence. The Lords were so little fond of
this bill, that apprehending it, or some other bill
they did not wholly like, might one time or other be
tacked to a money bill by the Commons, they passed
a vote, that it would be an infringement of the pri-
vilege of their house. When the bill came to be
considered by the Lords, they were pleased to make
several amendments to it, which occasioning several
conferences between the two houses, a full account
of that matter, as published by order of the house
of Lords, is hereunto subjoined.

An

(270)

A N

A C C O U N T

O F

The Proceedings of the Lords, in
relation to the bill, Intituled, *An act for
preventing Occasional Conformity.*

*The Commons
agreement and
Disagreement,
to the amend-
ments made by
the Lords to the
bill for Pre-
venting Occa-
sional Confor-
mity with the
Commons A-
mendments to
the Lords A-
mendments.*

*Die Mercurii,
2 Decemb. 1702.*

*The Amendments
made by the Lords
to the bill for pre-
venting Occasional
Conformity.*

A Message from the
house of Commons, by
Mr. Bromley, and o-
thers, who brought up
a bill, intituled, *An act
for preventing Occasion-
al Conformity*; to which
they desire the concur-
rence of this house.

*Hodie prima vice lecta
est billa, Intituled, An
act for preventing Occa-
sional Conformity.*

AS nothing is more
contrary to the
profession of the Chri-
stian religion, and par-
ticularly to the doctrine
of the church of Eng-
land, than persecution
for conscience only;
in due consideration
whereof an act passed

in

in the first year of the
reign of the late King
William and Queen

Agreed to by the Commons. *Mary*, intituled, *An* Line 4. After
act for exempting their [Mary] add [of glo-
Majesties protestant sub- rious memory]

jects, dissenting from the
Church of England,

from the penalties of
certain laws, which act
ought inviolably to be
observed, and ease given
to all consciences truly

Disagreed to by the Commons. scrupulous ; neverthe-
less, whereas the laws [Scrupulous] add

Disagreed to by the Commons. do provide that every [but] 1. 14. After
person to be admitted 1. 15. Leave out
into any office or em- from [whereas] to
ployment should be [several] in the
30th line.

Conformable to the

Church, as it is by law
established, by enact-

ing, that every such
person, so to be ad-

mitted, should receive
the Sacrament of the

Lords Supper, accord-

ing to the rites and
usage of the church of

England ; yet several
persons dissenting from

the church, as it is by
law established, do join

with the members
thereof in receiving

the Sacrament of the
Lords Supper, to qua-

lify themselves to have
and enjoy such offices
and

Disagreed to
by the Com-
mons.

1. 39. Leave out
[such]

and employments, and do afterwards resort to conventicles or meetings for the exercise of religion in other manner than according to the Liturgy and practice of the church of *England*, which is contrary to the intent and meaning of the laws already made: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in Parliament assembled, and by authority of the same, that if any person or persons after the first day of *March*, which shall be in the year of our Lord, One thousand seven hundred and two, either Peers or Commoners, who have or shall have any Office or Offices, civil or military, or receive any pay, salary, fee, or wages, by reason of any patent or grant from her Majesty, or shall have any command or place of trust from or under her Majesty,

Disagreed to
by the Com-
mons.

jeſty, or from any of
her Maſteſty's prede-
ceſſors, or by her or
their authority, or by
authority derived from
her or them, within
the kingdom of *Eng-
land*, Dominion of
Wales, or town of *Ber-
wick* upon *Tweed*, or
in her Maſteſty's Navy,
or in the ſeveral iſlands
of *Jerſey* and *Guernſey*,
or ſhall be admitted
into any ſervice or em-
ployment in her Ma-
jeſty's houſhold or Fa-
mily; or if any Mayor,
Alderman, Recorder,
Bayliſſ, Town Clerk,
common council-man,
or other perſon bearing
any office of Magiſtra-
cy or place of truſt, or
other employment re-
lating to or concerning
the government of the
reſpective cities, cor-
porations, boroughs,
cinque ports, and their
members, and other
Port towns within the
kingdom of *England*,
Dominion of *Wales*,
and town of *Berwick*
upon *Tweed*, who by
the laws are obliged to
receive the Sacrament

I. 17. Leave out
from [*Family*] to
[*ſhall*] in the 4th
line in the next
page.

of the Lord's Supper, according to the rites and usage of the church of *England*, shall at any time after their admission into their respective offices or employments, or after having such grant, as aforesaid, during his or their continuance in such office or offices, employment or employments, or the enjoyment of any profit or advantage from the same, shall resort to or be present at any conventicle, assembly or meeting, under colour or pretence of any exercise of religion, in other manner than according to the liturgy and practice of the church of *England*, in any place within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, at which conventicle, assembly or meeting, there shall be five persons or more assembled together, over and besides those of the same household, if it be in any house where

Agreed to by
the Commons.

l. 17. Leave out
[*shall*] and read
[*knowingly and wil-
lingly.*]

where there is a family inhabiting, or if it be in an house or place where there is no family inhabiting, then where any five persons or more are so assem-

bled, as aforesaid, shall

Agreed to by the Commons with the amendments following, viz.

1. After the word [or] add [shall knowingly and willingly be present.]

After the word [any] add [such]

After the word [meeting] leave out [where] and insert [in such house or place, as aforesaid, although]

After [liturgy] leave out [is] and insert [be there]

After [used] leave out [and where] and insert [in case]

After [Majesty] add [whom God long preserve, Catherine the Queen Dowager]

After [Sophia] add [or such others as shall from time to time be lawfully appointed to be prayed for]

After [be] add [there]

2. To which addition of the Lords (to the amendments made by the Commons to the Lords amendment) as entered on the other side, the Commons agreed.

1. 8. After [aforesaid] add [or

at any meeting where the liturgy is used, and where her Majesty and the Princess Sophia shall not be prayed for in express words, according to the liturgy of the church of England]

1. To which amendments of the Commons (to the Lords amendment) as entered on the other side, the Lords agreed, with the addition following:

2. After the words [prayed for] in the Commons amendment, add [in pursuance of an act passed in the first year of King William and Queen Mary, intituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown; and the act passed in the twelfth and thirteenth of King William the Third, intituled, An act for the further limitation of the crown, and better securing the rights and liberties of the subject.]

Disagreed to
by the Com-
mons.

forfeit the sum of one hundred pounds, and five pounds for every day, that any such person or persons shall continue in the execution of such office or employment, after he or they shall have resorted to or been present at any such conventicle, assembly or meeting as aforesaid, to be recovered by him or them that shall sue for the same, by any action of debt, bill, plaint or information; in any of her Majesty's courts at *Westminster*, wherein no essoin, protection or wager of law shall be allowed, no more than one imparlance.

And be it further enacted, that every person convicted in any action to be brought, as aforesaid, or upon any information, presentment or indictment in any of her Majesty's courts at *Westminster*, or at the assizes, shall be disabled from thenceforth to hold such office or offices, employment or employments,
or

L.1. Leave out [One hundred pounds, and five pounds for every day that such person or persons shall continue in the execution of such office or employment] and instead thereof insert [Twenty pounds, to be divided into three parts, whereof one third part to the Queen, one other to the poor of the parish where the offence shall be committed, and one third part to the informer.]

or to receive any profit or advantage by reason of them, or of any grant, as aforesaid, and shall be adjudged incapable to bear any office or employment whatsoever, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*.

Disagreed to by the Commons.

Line 4. leave out from [aforesaid] to the end of the bill.

And add the Clauses A, B, C, D, E.

Clause [A] Provided always, and be it further enacted by the authority aforesaid, that if any person or persons who shall have been convicted, as aforesaid, and thereby made incapable to hold any office or employment, shall, after such conviction, conform to the church of *England* for the space of one year, without having been present at any conventicle, assembly or meeting, as aforesaid, and receive the sacrament of the Lord's supper at least three times in the year, every such

Clause [B] person or persons shall be capable of a grant of any office or employment, or of being elected into or holding

[A] *Provided, that no person shall suffer any punishment for any offence committed against this act, unless oath be made of such offence before some Judge or Justice of the peace (who is hereby empowered and required to take the said oath) within ten days after the said offence committed, and unless the said offender be prosecuted for the same within three months after the said offence committed; nor shall any person be convicted for any such offence, unless upon the oath of two credible witnesses at the least.*

[B] *Provided, always, and be it enacted, that from and after the said first day of March, no protestant dissenter*

of any the offices or employments aforesaid.

Provided also, and be it enacted, that every person so convicted, and afterwards conforming in manner, as aforesaid, shall at the next term after his admission into any such office or employment, make oath in writing, in any of her Majesty's courts at *Westminster*, in publick and open court, between the hours of nine of the clock and twelve in the forenoon, or at the next quarter sessions for that county or place where he shall reside, that he has conformed to the church of *England* for the space of one year before such his admission, without having been present at any conventicle, assembly or meeting, as aforesaid, and that he has received the sacrament of the Lord's supper at least three times in the year, which oath shall be there inrolled and kept upon record.

Clause [C]
disagreed to by
the Commons.

Provided also, and be it further enacted by the authority aforesaid,

shall be compelled or compellable to take, serve, hold or bear any office or place whatsoever, for the taking, serving or holding whereof he cannot be duly qualified by law, without receiving the holy sacrament according to the usage of the church of England, and also making and subscribing the declaration mentioned in the statute, made 25 Car. 2. intituled, An act for preventing dangers which may happen from popish recusants, any statute, law, usage, or other thing to the contrary notwithstanding.

[C] *Provided nevertheless, that this act shall not extend to the university churches in the universities of this realm, or either of them, when, or at such times as any sermon or lecture is preached or read in the same churches, or any of them, for, or as the publick university sermon or lecture, but that the same sermons and lectures may be preached or read, in such sort or manner, as the same have been heretofore*

Clause [D]
disagreed to by
the Commons.

faid, that if any person after such his admission, as aforesaid, into any office or employment, shall a second time offend, in manner aforesaid, and shall be thereof lawfully convicted, he shall for such offence incur double the penalties before-mentioned, to be recovered in manner, as aforesaid, and shall forfeit such office or employment, and shall not be capable of having any office or employment, until he shall have conformed for the space of three years, in manner aforesaid, whereof oath shall be made in writing in one of her Majesty's courts at *Westminster*, or at the quarter sessions of the county where he resides.

Clause [E]
disagreed to by
the Commons.

preached or read; this act, or anything therein contained to the contrary, in any wise notwithstanding.

[D] *Provided, that no person shall incur any the penalties in this act, by resorting to, or being present at the religious exercises used in the Dutch and French languages, in churches established in this realm, in the reigns of King Edward the 6th, or of Queen Elizabeth, or of any other King or Queen of this realm.*

[E] *Provided always, and it be enacted by the authority aforesaid, that nothing in this act shall extend, or be construed to extend to any governor or governors of any hospital or hospitals, or to any assistants of any corporation or corporations, work-*

house or work-houses, constituted, erected or employed for the relief, and setting of the poor on work, and for punishing of vagrants and beggars; all which said persons, and every of them, shall be, and are hereby exempted from all the penalties mentioned in this act, and are hereby adjudged and declared not to be subject or liable to any of the penalties or forfeitures mentioned in one act of Parliament made in the 25th year of the reign of King Charles the second, For preventing dangers which may happen from popish recusants, for or by reason of any of the aforesaid offices or employments.

Ordered, That the said bill shall be read a second time to-morrow, at one o'clock, and all the Lords summoned.

Die Jovis, 3 Decemb. 1702.

HO D I E *secunda vice lecta est billa, inti-
tuled, An act for preventing occasional con-
formity.*

Ordered, That the said bill shall be committed to a Committee of the whole house.

Then it was proposed, that an instruction be given to the Committee, that this act extend to no other persons than such as are comprehended in the test act.

And after debate thereupon,

This question was put, Whether it shall be an instruction to the Committee, that this act extend to no other persons, than such as are comprehended in the test act of the twenty-fifth of King *Charles* the second?

It was resolved in the affirmative.

It is ordered by the Lords spiritual and temporal, in Parliament assembled, that it shall be an instruction to the Committee of the whole house, to whom the bill, intituled, *An act for preventing occasional conformity*, is referred, that this act shall extend to no other persons, than such as are comprehended in the test act of the twenty fifth of King *Charles* the second.

Then the house was adjourned during pleasure, and put into a Committee on the said bill. After some time,

The house was resumed, and the Lord *Herbert* reported, that the Committee had made some progress in the bill, and desire another time may be appointed for them to sit again.

It is ordered by the Lords spiritual and temporal, in Parliament assembled, that this house shall be put into a Committee again, to proceed upon the bill, intituled, *An act for preventing occasional*

sional conformity, to-morrow, and all the Lords summoned to attend.

Die Veneris, 4 Decemb. 1702.

Then the house was adjourned during pleasure, and put into a Committee upon the bill, intituled, *An act for preventing occasional conformity.*

After some time,

The house was resumed, and the Lord *Herbert* reported, That the Committee had made some further progress in the bill, and desire another time might be appointed for them to proceed on the said bill.

Ordered, That this house shall be put into a Committee again, to proceed upon the said bill on *Monday* next, and all the Lords summoned.

Die Lunæ, 7 Decemb. 1702.

The house was adjourned during pleasure, and put into a Committee upon the bill, intituled, *An act for preventing occasional conformity.*

The house was resumed, and the Lord *Herbert* reported, that the Committee had gone through the said bill, and think it fit to pass with several amendments and provisos, which were read twice, and agreed to, and the provisos ordered to be ingrossed.

Ordered, That the said bill shall be read a third time on *Wednesday* next, and all the Lords summoned to attend.

Die Mercurii, 9 Decemb. 1702.

Hodie tertia vice lecta est Billæ, intituled, *An act for preventing occasional conformity.*

Then a clause was offered as a rider to be part of this bill, which being read three times, was agreed to.

Then

Then the question was put, whether this bill with the amendments, provisoes, and rider shall pass?

It was resolved in the affirmative.

A message was sent to the house of Commons by Sir *Robert Legard*, and Doctor *Edisbury*, to return the said bill, and desire their concurrence to their Lordships amendments made thereto.

Die Jovis 17 Decemb. 1702.

A Message was brought from the house of Commons by Mr. *Granville*, and others, to acquaint this house, That the Commons desire a conference with their Lordships, upon the subject matter of the amendments made by their Lordships to the bill, intituled, *An act for preventing occasional conformity*, to which the house agreed.

Then the Commons were called in, and told that the Lords agree to a conference as desired, and appoint it presently in the Painted chamber.

Then the Lords following were named managers of the conference, (*viz.*)

Dux Devon. Senescal.	Dominus <i>Lawarr</i> .
Dux Somerset.	Dom. <i>Ferrers</i> .
Dux Bolton.	Dom. <i>Wharton</i> .
Co. Carlisle, Marefcal.	Dom. <i>North</i> .
Co. Peterborow.	Dom. <i>Grey, W.</i>
Co. Stamford.	Dom. <i>Mobun</i> .
Co. Sunderland.	Dom. <i>Raby</i> .
Co. Essex.	Dom. <i>Rockingham</i> .
Co. Anglesey.	Dom. <i>Herbert</i> .
Co. Berkeley.	Dom. <i>Haversham</i> .
Co. Torrington.	Dom. <i>Somers</i> .
Co. Scarborough.	Dom. <i>Halifax</i> .
Co. Orford.	
Vic. <i>Townshend</i> ,	

The

The Commons being come to the conference, the managers names were read.

Then the house was adjourned during pleasure, and the Lords went to the conference, which being ended;

The house was resumed, and the Lord Steward reported, that the Lords had attended the conference, which was managed for the Commons by Mr. *Bromley*; who acquainted their Lordships, that the Commons agreed to some of their amendments made to the said bill, and to other amendments they disagree, and made amendments to one of their Lordships amendments, and delivered their reasons, as follow:

To the first amendment made by your Lordships to the bill, intituled, *An act for preventing occasional conformity*, in skin the first, line the sixth, the Commons do agree.

To the second and third amendments, line 10, and 11, the Commons disagree.

First, Because that the recital, that every person to be admitted into any office or employment, should be conformable to the church, as it is by law established, is confined to such laws as enact, that every such person shall receive the sacrament of the Lord's Supper, according to the rites and usage of the church of *England*.

Secondly, because the corporation and the test acts which have been frequently evaded, and are by this bill intended to be made effectual, do provide, that all persons to be admitted into any office or employment, in pursuance of those acts, should receive the sacrament of the Lord's Supper, according to the rites and usage of the church of *England*; and all persons under such obligation to receive the sacrament, the Commons conceive are obliged to be conformable to the Church, as it is by law established.

To the fourth amendment, line the 20th, the Commons disagree, because it depends upon the former.

To the fifth amendment, second skin, line the 4th, the Commons disagree, because your Lordships admit this bill to be reasonable as to the officers and persons described in the former part of this Clause, and the Commons see no reason why this bill should not equally extend to the persons and officers described in the latter part thereof, left out by your Lordships in this amendment.

Secondly, your Lordships leaving out in this amendment these words, (*viz.*) [*who by the laws are obliged to receive the sacrament of the Lord's Supper according to the rites and usage of the church of England*] may countenance an opinion that the persons described in the words left out by your Lordships, are not obliged to receive the sacrament.

Thirdly, those words do equally refer to the persons described in the former part of this clause, to which your Lordships have agreed, as to the persons described in your Lordships amendment, and the Commons take it to be very evident, that every person described in this clause, as sent up to your Lordships, is obliged to receive the sacrament of the Lord's supper, according to the rites and usage of the church of *England*.

To the sixth amendment, line the 20th, the Commons do agree.

To the seventh amendment, line the 30th, the Commons have agreed, with some amendments.

To the eighth amendment, line 34. the Commons have disagreed, because (tho' many other reasons might be offered, from which the Commons can never depart, yet at this time they think it sufficient to say) that the penalties left out by your Lordships in this amendment, are reasonable, and no more than what is necessary to make this bill effectual.

To the ninth amendment, third skin, line the ninth, the Commons disagree, because they think the penalty of incapacity, as qualified by the subsequent provisos, is a proper punishment for this offence; and the Commons conceive it necessary to encrease the penalty upon a second offence, as has been practised in many other cases.

To clause (A.) the Commons agree.

To clause (B.) the Commons disagree, because as this bill takes away no one privilege that the dissenters have by law, so the Commons cannot think it fit to give them any new privilege by it.

To clause (C.) the Commons disagree, because the Commons conceive there is no occasion for it.

To clause (D.) the Commons disagree, because the Commons think it necessary that the bill should equally extend to all persons, before recited, as obliged to receive the Sacrament, and see no reason for the distinction made thereby.

To clause (E.) the Commons disagree, because if such persons are obliged to receive the Sacrament, there is no reason to exempt them out of this bill, and if they are not obliged, the clause is unnecessary.

Then the first amendment to which the Commons disagree was read.

Whereupon it was proposed to adjourn.

Then the question was put, whether this house shall now proceed upon the report of the conference and amendments made to the bill?

It was resolved in the affirmative.

Then the first amendment disagreed to by the Commons was read again, (*viz.*)

First Skin, tenth line, after [*scrupulous*] read [*but.*]

Eleventh line, leave out from [*whereas*] to [*several*] in the sixteenth line. This amendment postponed. In the twentieth line, leave out [*such.*] This amendment postponed.

Second Skin, fourth line, leave out from [*Family*] to [*shall*] in the fifteenth line.

It was proposed to insist on the amendment made by this house.

After debate,

The question was put, whether this house shall insist upon the amendment, (*viz.*)

Second Skin, line fourth, leave out from [*Family*] to [*shall*] in the fifteenth line.

It was resolved in the affirmative.

Second Skin, 33d. line, after [*aforsaid*] add [*or at any meeting where the liturgy is used, and where her Majesty and the Princess Sophia shall not be prayed for in express words, according to the liturgy of the church of England.*]

Then the Commons amendments made to their Lordships amendment being read, were agreed to, with the addition of these words (*viz.*)

In pursuance of the act passed in the first year of King William and Queen Mary, entituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown; and the act passed in the twelfth and thirteenth year of King William the third, entituled, an act for the further limitation of the crown, and better securing the rights and liberties of the subject.

Then this amendment being read, (*viz.*) 34th line, leave out [*100 l. and 5 l. per diem that any such person or persons shall continue in the execution of such Office or employment*] and instead thereof insert [*Twenty pounds, to be divided into three parts, whereof one third part to her Majesty, one other third part to the informer, and the other third part to the poor of the parish where the offence shall be committed.*]

Ordered and agreed to insist on this amendment.

Ordered, that this house will proceed on these amendments to morrow after the cause, and that all the Lords be summoned.

Die Veneris, 18 Decembris, 1702.

The order being read for proceeding upon the amendments made to the bill, intituled, *An act for preventing Occasional Conformity.*

The amendment in the third Skin, the ninth line, leave out from [*aforeſaid*] to the end of the bill, was read.

Ordered, to inſiſt on this amendment.

Then the clauſes (B.) (C.) (D.) and (E.) being ſeverally read.

Ordered, To inſiſt on the ſaid clauſes.

Then the poſtponed amendment in the preamble, (*viz.*) First Skin, 10th line, after [*ſcrupulous*] read [*but*] 11th line, leave out from [*whereas*] to [*ſeveral*] in the 16th line being read.

Ordered, to inſiſt on theſe amendments.

Then the amendment, twentieth line, leave out [*ſuch*] being read.

Ordered, to inſiſt on this amendment.

Then Lords committees were appointed to draw up reaſons to be offered at a free conference, for the Lords inſiſting on their amendments made to the bill, intituled, *An act for preventing Occasional Conformity*: Whoſe Lordſhips are to inſpect the records for precedents, where bills have begun in the houſe of Peers with penalties in them, as alſo where bills have begun with penalties in the houſe of Commons, which penalties have been altered in the houſe of Peers, and report to the houſe.

Their Lordſhips or any three of them to meet to morrow at ten o'Clock in the forenoon in the Princes lodgings.

Ordered by the Lords Spiritual and Temporal in Parliament aſſembled, that the managers be the Committee, and all the Lords preſent the ſeventeenth inſtant to be the managers.

Die Veneris 8 Januarii, 1702.

The Lord Steward reported from the Lords Committees, appointed to inspect the records for precedents where bills with Penalties have begun in the house of Peers, as also where penalties in bills begun in the house of Commons, which penalties have been altered in the house of Peers.

By which report it appears, that from the twelfth year of King *Henry* the seventh (there being no records before that time remaining in the Parliament office) to the twelfth of King *William* the third, there are many acts with penalties which begun in the house of Lords, and also many acts for the reviving and repealing of acts begun there, and also many precedents of acts of Parliament with penalties begun in the house of Commons, where the Lords have increased, lessened and altered the penalties, and have distributed them otherwise than was done by the house of Commons.

They find precedents of this kind in an uninterrupted course in every reign, almost in every Parliament, and in every sessions, excepting the reign of King *James* the second. The report is very long, and contains several hundred of precedents in number.

The Lord Steward also reported from the Lords Committees, the reasons drawn by them for their Lordships insisting on their amendments to the bill, intituled, *An act for preventing occasional conformity*, which were read and agreed to by the house, as followeth :

The Lords insist on the second and third amendment in the preamble of the bill.

Because these words left out of this amendment are introductive to the clause left out by their Lordships in the fifth amendment. Besides as the law now stands, there are many offices and employments,
to

to which persons may be admitted, without being under an obligation to receive the sacrament on that account, and therefore they cannot agree to let a clause stand, wherein a matter of fact is positively affirmed, which they take to be otherwise.

The Lords insist on the fourth amendment, because it depends on the former.

The Lords insist on their fifth amendment, because the act of the 25th of King *Charles* the second, called the test act, which has been found by experience, to have been an effectual security against popery, (and which their Lordships are willing to inforce yet further by this bill, as to the dissenters) is known to every body, and it is generally understood to what employments it does extend; and therefore their Lordships think it reasonable to rest there, and not to subject men to the penalties of this bill, upon general or uncertain words.

3. The Lords do not go about to take away the force of the corporation act, or to lessen any security the church of *England* has by it, but cannot agree to extend the penalties of this bill, to the general words of that act, which by construction hereafter, may serve purposes which are not owned at present to be the intent of this bill.

The Lords insist on their eighth amendment, which relates to the punishments as they stood, when the bill was sent up from the house of Commons.

Whatever regard their Lordships may have to reasons, which the house of Commons are resolved never to depart from, they hope it will not seem strange, that they are not convinced by such reasons as are not thought fit to be offered.

But in justification of their amendment, their Lordships think fit to say, that as they have an undoubted right to begin bills with pecuniary penalties, and to alter and distribute pecuniary penalties in bills sent up to them by the house of Commons (which

right their ancestors have always enjoyed ; and from which their Lordships can never depart) so they are convinced there never was a more just occasion of making use of that right, than in the present case.

2. They conceive the penalty of one hundred pounds, and five pounds a day for every day after the offence committed, to be excessive ; and the whole being given to the informer, would prove a dangerous temptation to perjury, and a pernicious encouragement to informers, the most odious sort of persons, which would be a blemish on the best reign.

Their Lordships have given a sufficient proof of their willingness, to make this bill as effectual as will consist with reason, by agreeing to such a pecuniary penalty (besides the loss of office) as may be a proper encouragement to informers to swear the truth, tho' not perhaps a sufficient temptation to go further.

As to the ninth amendment,

The Commons say, they disagree,

Because they think incapacity a proper punishment for this offence. The Lords insist upon their amendment, because they think directly the contrary.

Their Lordships observe, that as the law now stands, any person having an office may be present at mass upon much easier terms, than he might be present at a conventicle, if the Lords should depart from this amendment.

3. The Lords think, that an *English* man cannot be reduced to a more unhappy condition, than to be put by law under an incapacity of serving his Prince and country, and therefore nothing but a crime of the most detestable nature, ought to put him under such a disability ; they who think the being present at a meeting to be so high a crime, can hardly think, that a toleration of such meetings
ought

ought to continue long, and yet the bill says, the act of toleration ought to be kept inviolable.

The Lords do not think it at all necessary, to make any increase of punishment for a second offence, because the first offence is made forfeiture of office, and when the office is gone, the person may go to a meeting without breach of any law while the act of toleration continues; and if he shall afterwards get another office, he will forfeit the same, and incur the penalties in this act, if he shall ever after be present at a conventicle, which their Lordships think sufficient punishment for a second offence.

2d skin, 33d line. The Lords agree to the Commons amendments to their Lordships amendment, with the addition of the words following, after the words [*prayed for*] viz. *In pursuance of the act passed in the first year of King William and Queen Mary, intituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown; And the act passed in the 12th and 13th of King William the third, intituled, an act for the further limitation of the crown, and better securing the rights and liberties of the subject.*

The Lords insist on the clause (B.)

Because to leave protestant dissenters subject to penalties, if they do not accept of offices, and at the same time to restrain them, if they accept of them upon the penalties of this bill, from doing what they think themselves obliged to in conscience, is persecution for conscience, and does not agree with what is set forth in the preamble of the bill.

The Lords insist on clause (C.)

Because they see no reason, why being present at sermons or lectures preached or read in the universities, and established by ancient and very good intentions, should subject men to the danger of incurring the penalties of this law; and the same

clause was thought necessary in the act of uniformity.

The Lords insist on clause (*D.*)

Because the foreign reformed churches allowed, or to be allowed, were by the act of uniformity exempted from the penalties of that law; and other foreign protestants who have been forced out of their own country by a cruel persecution, having settled here in *England*, by encouragement from Parliament, as well as from the crown, it would have a strange appearance, if it should be thought so high an offence for any of her Majesty's subjects in office, but once to be present at their way of worship: This would give such a discountenance to those of the same religion abroad, as would no way suit with her Majesty's character of head of the protestant interest in *Europe*.

The Lords insist on clause (*E.*)

Because the persons concerned in it, have no profit nor any trust but what relates to the poor; and without this clause, charitable foundations, as hospitals, publick workhouses and the like, would meet with discouragements, and the number of them might be lessened.

Then a message was sent to the house of Commons by Sir *Robert Legard*, and Doctor *Edisbury*, to desire a conference with the house of Commons, to-morrow at twelve o'clock in the painted chamber, upon the subject matter of the last conference, upon the bill, intituled, *An act for preventing occasional conformity*.

Die Sabbati, 9 Januarii, 1702.

The messengers sent yesterday to the house of Commons to desire a conference, return answer, that the Commons agree to a conference as desired.

The

The Commons being come to the conference, the last managers names were read ; then the house was adjourned during pleasure, and the Lords went to the conference, which being ended, the house was resumed, and the Duke of *Bolton* reported, that the Lords had delivered the bill with their reasons to the Commons.

Die Mercurii, 13 Januarii, 1702.

A message was brought from the house of Commons, by Mr. *Annesley* and others, to desire a free conference upon the subject matter of the last conference, upon the bill, entituled, *An act for preventing occasional conformity.*

To which the house agreed, and ordered the same to be on *Saturday* next, at one o'clock in the *painted chamber.*

Then the Commons were called in and told, that the Lords agree to a free conference as desired, and appoint it to be on *Saturday* next, at one o'clock in the *painted chamber.*

Die Sabbati, 16 Januarii, 1702.

The house being informed, that the Commons were come to the free conference, the managers names were read.

Then the house was adjourned during pleasure, and the Lords went to the free conference, which being ended,

The house was resumed, and the Lord Steward reported, that they had attended the free conference, and that Mr. *Bromley* acquainted their Lordships, that the Commons had agreed to an amendment, that the Lords had made to their amendment, (*viz.*) 2 skin, 33 l. and that the Commons had insisted on their disagreement to the Lords other amendments.

Which report of the free conference is as followeth :

The managers for the Lords at the free conference, were the Duke of *Devonshire*, Lord Steward, the Earl of *Peterborough*, the Lord Bishop of *Salisbury*, the Lord *Sommers*, and the Lord *Hallifax*.

The Lords of this house who were commanded to manage the free conference with the Commons, on *Saturday* the 16th of *January*, did meet with the Commons, and the free conference was begun by the managers for the Commons, who were Mr. *Bromley*, Mr. *St. John*, Mr. *Finch*, Mr. Solicitor General, and Sir *Thomas Powis*.

They acquainted the managers for the Lords, that the Commons had agreed to the addition of the words their Lordships had made to the Commons amendments to the Lords amendment in the 2d skin, l. 33. but insisted on their disagreement to the Lords other amendments, and to their Lordships clauses marked *B*, *C*, *D*, and *E*, and therefore had desired this free conference with the Lords, in order to preserve a good correspondence between the two houses.

That the interests of the church and state were not to be supported without it, and that the Commons might omit nothing to maintain a good correspondence, they had taken this way, which had been practised with so good success by their ancestors.

That the intent of this bill for preventing occasional conformity, is only to restrain, to put a stop to a very scandalous practice, which is a reproach to religion, gives offence to all good christians, and to the best among the dissenters themselves.

That this bill enacts nothing new ; that it is intended to make the laws in being more effectual.

That those laws were thought sufficient to secure our establishment ; but since the invention, since the iniquity of men had found out ways to evade and elude

elude them, the Commons would never doubt but the Lords would let these men see, they would not be wanting on their part, to maintain and support it; that this bill appears to the Commons, absolutely necessary for the preventing those mischiefs which must prove destructive to the church, and the monarchy.

That the Commons were incapable of having any designs they were ashamed to own: That they designed nothing but the preservation of the church of *England*, and the monarchy, and doubted not to meet with a ready concurrence from the Lords in their designs.

That an established religion, and a national church, are absolutely necessary, when so many ill men pretend to inspiration, and when there are so many weak men to follow them.

That if a national church be necessary, the only effectual way to preserve it, is, by keeping the civil power in the hands of those whose practices and principles are conformable to it.

That when the corporation act was made, the Parliament had fresh in their minds the confusions and calamities, that had been brought upon the nation, by such as pretended to be at the same time in the true interest of religion and their country: That the Parliament by that act, and afterwards by the Test Act, thought they had secured our establishment both in church and state, and that they had provided a sufficient barrier to defeat and disappoint any attempts against them, by enacting, that all in offices should receive the sacrament of the Lords supper, according to the rites and usage of the church of *England*, and never imagined a set of men would, at any time, rise up, whose consciences were too tender to obey the laws, but hardened enough to break through any.

That as upon the revolution, the last reign began with an act in favour of the dissenters, so the Com-

mons do desire, in the beginning of her Majesty's auspicious reign, an act may pass in favour of the church of *England*, that the laws which have been invaded may now be effectually enforced; and that those men may be kept out of offices, who have shewn they never wanted the will, when they had the power, to destroy the church.

That nothing had been more misrepresented, than this bill.

That this bill does not intrench on the act of toleration, and in no respect affects what is enacted by it.

That this bill takes not from the dissenters any one privilege they have by law.

That this bill gives not any one privilege to the church of *England*, which is not (at least) intended her by the laws as they now stand.

Their managers then acquainted the Lords, that the Commons insisted on their disagreement to the second and third amendments made by the Lords in the preamble of the bill, and on their disagreement to the fourth amendment, and argued,

That a preamble is to declare the occasion of making a law, it makes no law, and if it be proper to the enacting clause, 'tis a proper preamble.

That the propositions advanced in this preamble are these, that whatever persons are enacted to qualify themselves, the laws intend should be conformable to the church.

That if the laws provide, they shall receive the sacrament, and by that intend a conformity; then whosoever breaks the intention of the laws, breaks the law, or at least evades the law, and it is fit to secure us against such practices.

That if it be fit the corporation clause should stand in the body, the Lords reasons for the amendments in the preamble will not be of weight.

That

That the preamble mentions such persons and such offices, which must be the persons and the offices the act relates to, and can be no other.

That the word *enacting* can only be understood of the laws that do so enact, and being relative, is still more plain and necessary.

That however, if the Lords had pleased, they might, by a very little amendment, have obviated the objection they make to these words, by changing *every person* into *several persons*; which would have reconciled them to the most rigid construction.

Then their managers acquainted the Lords, that they insisted on their disagreeing to the fifth amendment, and argued,

That the words in the test act are more general and uncertain than those in the corporation act, which their managers cited and compared.

That the words in the corporation act have been there more than forty years, without any inconveniency from them, or any complaint against them for their being too general and uncertain.

That the inducements for passing the corporation act, according to the preamble, were, that a succession in corporations might be perpetuated in the hands of persons well affected to the King and the established government, and for the preservation of the publick peace both in church and state.

That these were the purposes the Commons designed in the passing this law.

That these purposes the Commons know the Lords will own with them, are very proper to be attained, and that the Commons can at no time disown them, because they can at no time have any other.

That

That the Lords agree this bill should relate to officers in the Test Act, because the law intends those officers should be conformable; and if the intention of that law be the reason to provide against such evaders of it, the like intention in the corporation act, will serve for a reason to provide against the evaders of the corporation act.

That by occasional conformity the Dissenters may let themselves into the government of all the corporations, and 'tis obvious how far that would influence the government of the kingdom.

That to separate from a church which has nothing in it against a man's conscience to conform to, is schism.

That schism is certainly a spiritual sin, without the superadding of a temporal law to make it an offence.

That occasional conformity declares a man's conscience will let him conform, and in such a man non-conformity is a wilful sin, and why should occasional conformity be allowed in corporations? when the Lords agree, that out of corporations it ought not to be allowed.

That if it be reasonable, as the Lords allow it is, that he who hath an office out of a corporation, tho' it intitles him perhaps to very little profits or trust, should be conformable; it is certainly much more reasonable, that another who is trusted with magistracy and power in a corporation, and has thereby a greater influence, should be conformable.

The managers for the Commons insisted on their disagreeing to the Lords eighth amendment, and argued,

That if the Lords were pleased to consider how much greater the penalties and other penal laws were, in many instances than in this bill, they presumed the Lords would not think those in this bill excessive.

That in laying penalties, the Commons shall always endeavour to make them such as shall neither tempt to perjury, nor totally discourage informations and prosecutions, which they thought this amendment of the Lords would do, should the Commons agree to it.

Their managers insisted on their disagreement to the Lords ninth amendment, and argued,

That the punishment of incapacity, the recapacitating and the increase of Punishment for a second offence, are warranted by many precedents of the like nature in other penal laws.

That an incapacity, as qualified by the subsequent proviso, is a very proper punishment; that a second offence is a relapse and an apostacy, which are circumstances that aggravate and make it more heinous than the first offence, and therefore deserve an increase of punishment.

That he is indeed reduced to a very unhappy condition, who is made incapable of serving his Prince and country; but in the present case, our Prince and country would be in a more unhappy condition, to be served by such, whose principles are inconsistent with the good and welfare of our establishment.

That the Commons could never imagine the Lords could infer from this incapacity, the taking away the toleration.

That the toleration was intended only for the ease of tender and scrupulous consciences, and not to give a licence for occasional conformity.

That conforming and non-conforming are contradictions, nothing but a firm perswasion that our terms of communion are sinful and unlawful can justify the one, and that plainly condemns the other.

For their insisting on their disagreeing to the clauses marked *B, C, D, and E*, their managers offered these reasons.

That

That the exempting protestant dissenters from serving offices, would rather establish occasional non-conformity than prevent occasional conformity, and therefore increase, not cure, the evil the bill was intended to remedy.

That the act of uniformity, which established the Liturgy and practice of the church of *England*, has provided for the sermons or lectures preached or read in the Universities.

That those sermons and lectures having been in such manner provided for, it was not thought necessary when the act passed in the 16th, and in the 22d *Car.* 2. to prevent and suppress seditious conventicles (in both which acts conventicles are described, as in this bill) to have any particular exceptions for them, and yet they were never by any constructions taken to be conventicles.

That the allowing an exemption to such as should be present at the exercises in the foreign reformed churches, would be to open a door for the evading this law.

That the places of governors of some hospitals are very considerable preferments, and given as such to the clergy of the church of *England*, and the Commons can never consent by any law, to let in the dissenters to the enjoyment of them.

The managers for the Lords did maintain the alterations made in the bill, and the clauses added to it.

The substance of what was said by your managers was, that the Lords were as desirous as the Commons to preserve a good correspondence betwixt the two houses.

That by their agreeing so far as they have done to this bill, they have gone a great way for the preventing the evil this bill is intended to remedy, and own it to be a scandal to religion, that persons should conform only for a place.

That

That the Lords do not take going to a meeting to be *malum in se*, for that the dissenters are protestants, and differ from the church of *England* only in some little forms, and therefore the Lords think loss of office a sufficient punishment, without an incapacity.

That it can never be thought those of the better sort will be guilty of this offence, if they are, they lose their offices, and loss of office is a severe penalty in inferior officers of the customs, and excise, and who have little else to subsist on; in short, they will be undone by the loss of their office; and this the Lords think severe enough, without carrying it much further; this is yet more considerable in patent places, which by a common custom are bought and sold, and are of the nature of freeholds.

That incapacity is too great a penalty, and that it is hard to imagine any offence, that is not capital, can deserve it.

That there is no more reason to punish this offence with incapacity, than to make it felony.

That the dissenters are not obnoxious to the government, as when the corporation act was made.

That the most considerable persons of the dissenters are well affected to the present constitution, and are hearty enemies to the Queen's and kingdom's enemies.

That in some corporations the Lords take the election of Members to serve in Parliament, to be only in such as are concerned in the government of them, as at *Buckingham*, &c. and the Lords would not by this bill deprive men of their birthrights.

That the Lords do not think fit to bring any greater hardships upon the Dissenters, since great advantages have accrued from the Act of Toleration.

That the Dissenters had formerly been Seditious, and had appeared in open Rebellion, they then declared both against Church and State.

But

But of late in the greatest extremity of the church, they joined with her; when the Bishops were in the Tower, the dissenters shewed they had no prejudice to the church, and so they have continued to behave themselves.

That the Lords did equally desire a good correspondence betwixt the two houses, and were so satisfied of the necessity of union at this time, that they thought all measures fatal that might create any divisions amongst protestants at home, or give any check to the necessary union amongst our allies abroad, to the reformed religion.

For which reasons, in a time of war, they thought alteration unnecessary, and dangerous, and were unwilling to bring any real hardships upon the dissenters at this time, or give them any cause of jealousies or fears.

That the toleration hath had such visible and good effects, hath contributed so much to the security and reputation of the church of *England*, and produced so good a temper amongst the dissenters, that the Lords are unwilling to give the least discredit to that act; being sensible that liberty of conscience, and gentle measures, are most proper, and have been found most effectual towards increasing the church and diminishing the number of dissenters.

That the Lords apprehend, that some parts of this bill by them amended, have an air of severity improper for this season; that though there may be some things to be found fault with, yet a proper time ought to be taken to apply remedies; that the attempting too hasty cures, have often proved fatal.

That the Lords could not conceive, the interest of the church and state were not to be supported without this bill; since in case of such danger, and necessity, this remedy must have been proposed before now, by some of those worthy members of
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the church of *England*, who in so many Parliaments since the toleration, have shown so much zeal for the national church and government.

That the Lords think they have sufficiently shewn their dislike to the practice of occasional conformity, on which they inflict no less a punishment than loss of place, and have consented likewise to a reasonable fine to be laid on those who are proved guilty of this crime.

The Lords cannot but conceive, that if this bill did enact nothing new, there would not be such a contest about it; that it is plain, tho' occasional conformity ought always to have been esteemed a crime, yet that the practice was new, and the punishment provided by this law new likewise; the Lords therefore consent to a punishment, but would proportion the penalty to the offence.

That the Commons give up this argument, when they propose for new invented crimes, new invented punishments.

That as the Commons need not to be ashamed of designs so laudable as the preservation of the church of *England*, and monarchy, so the Lords conclude their desires of securing the toleration act, the peace and quiet of the kingdom at home, and the interest of the nation abroad, will meet with a fair construction, especially when they hope the church is so well secured by her doctrine, by the good laws of the realm, and the protection of so pious a Queen, assisted by a Parliament so well affected to the church and state.

That the Lords not only allow the necessity of an established religion, and a national church, but being likewise of that national church, they can never be wanting to those measures they think proper to secure it; and tho' by the first appearance, the members of the house of Commons may seem, upon this occasion, the most zealous champions for the national establishment, yet the Lords think the only contest
between

between them is, which shall most befriend and take care of the church ; the one would procure a hasty settled submission, not so much to be depended upon, the other would obtain for her a more gradual but a safer advantage over those that dissent from her, the same end being designed by both, and only some difference in the means to attain it.

That the Lords do not well understand the inference, that as upon the revolution the last reign began with an act in favour of the dissenters, so the Commons do desire in the beginning of her Majesty's reign, an act may pass in favour of the church. The Lords conceive, that both reigns began upon the same bottom and foundation ; and that as in this reign her Majesty hath been pleased to give gracious assurances as to liberty of conscience, so in the last, the church ever met with protection and support.

That the interest of the Prince is to support the church against her enemies ; that it is hard, as well as untrue, to say of the dissenters they never wanted the will, when they had the power to destroy the church and state ; since in the last and greatest danger the church was exposed to, they joined with her with all imaginable zeal and sincerity against the papists, their common enemies, shewing no prejudice to the church, but the utmost respect to her Bishops, when sent to the tower ; and that ever since they have continued to shew all the designs of friendship and submission, to the government of church and state.

That in truth, formerly the dissenters had been seditious, and in arms and opposition to the state and church ; but it was the effect of persecution, and that even then, they were open and avowed enemies, but that toleration and tenderness had never missed of procuring peace and union, as persecution had never failed producing the contrary effects.

That

That the Lords cannot think the dissenters can properly be called schismaticks, at least those that differ in no essential point; that such an opinion allowed, would bring a heavy charge upon the church of *England*, who by a law have tolerated such a schism, that connivance hath been used to schismaticks; that publick allowance was never given to such, and the churchmen having allowed communion with the reformed churches abroad, professing *Calvinism*, it must follow, they hold them not guilty of schism, or could not allow communion with them.

That this bill inflicts a second punishment on those who fled from *France* for their religion; That they sought a very improper refuge amongst those that must think them guilty of schism, and must use them accordingly; That this may be used as an argument to justify even the persecution in *France*: Why may not the roman catholicks with reason banish those, that even protestants can hardly endure amongst them, and for whose doctrine and practice they shew such an aversion, that a man must forfeit his place, and undergo a hard penalty but for entering once into their congregation?

That the Lords cannot depart from the clause relating to the *Dutch* and *Walloon* churches so long established amongst us, lest it should give great disgust and offence to our allies abroad; and at the same time forfeit the greatest character can be given a church, that of tendernefs and charity to fellow christians; the contrary practice being what is so much abhorred amongst roman catholicks.

That tho' the Lords allow, That no man hath a place by birthright, or but few such examples in our government, yet that giving a vote for a representative in Parliament, is the essential privilege whereby every *Englishman* preserves his property; and that whatsoever deprives him of such vote deprives him of his birthright.

The Lords are of opinion, the dissenters should have liberty of conscience, but agree to the further measures proposed by the Commons, to allow neither dissenters, nor occasional conformists any share in the government; but they take this to be the great security for the established religion, that all who sit in the house of Commons must be churchmen, and the difference between a churchman chose by churchmen and chose by dissenters is only this, that the former will be for using severer, the other gentler means, for bringing the dissenters into the church.

That the disagreeing to the clause relating to work-houses where the poor were employed and relieved, seems very hard, since it could never be conceived, that the distribution of some presbyterian bread to the poor, and dissenting water-gruel to the sick, could ever bring any prejudice to the church of *England*; especially by such as having no authority in the government, or profit by the administration of such charities, gave them indifferently to those of all persuasions.

Allow them charity to cover their sins, which God allows and commands.

That the Lords conceived the act of toleration, had visibly proved to the advantage of the church, that even the practice of occasional conformity in a few, as it had done great prejudice to the dissenters, so had it added to the reputation and authority of the church; the dissenters having determined the point against themselves by this practice, for if they can conform for a place, much more ought they to do so in compliance with the law, and for the sake of unity.

But one or two instances of this in so long a time.

That the Lords are of opinion the dissenters are coming into the church, and that nothing but
terrifying

terrifying measures and severity can prevent the happy union.

The main design of this bill, is to secure the church of *England*, and in this the Lords do perfectly agree with the Commons, both sides of the house join in it with equal zeal; and the main point of this bill being the excluding all persons from employments of trust, who join themselves to any other bodies for religious worship, besides the church of *England*, the Lords do agree entirely with them likewise in this; all the difference is, what further penalties should be laid, besides the forfeiture of the employment, on persons so offending.

The Lords look on the fixing of qualifications for places of trust to be a thing entirely lodged with the legislature, that without giving any reason for it, upon any apprehension of danger, how remote soever, every government may put such rules, restraints, or conditions, on all who serve in any place of trust, as they shall see cause for; but penalties and punishments are of another nature.

Draco's laws, by reason of their extream severity, are said to have been writ in blood; if petty larceny were made capital, there would be just occasion for censure.

There ought to be a proportion observed between the offence and the punishment; and offences of a lower nature ought not to be punished more severely than offences of a higher nature.

Popery has been ever lookt on as that which we ought to apprehend and fear the most, and guard chiefly against, it being our most inveterate, most restless, and most formidable enemy; and therefore there has been always a great difference put between papist and protestant dissenters, how bad and dangerous soever they may be.

There has been a spirit of moderation eminently conspicuous in the whole progress of our legislation, with relation to that religion, suitable both to the

natural gentleness of this government, and to the charity which our religion teaches.

In the first beginning of our reformation under *Edward* the sixth, the act of uniformity was conceived in terms suitable to that moderation.

(2 & 3 *Edw.* 6. *cap.* 1.) Any clergyman that should use any other manner of mass, wilfully standing in the same, or that should preach against the book of common prayer, for the first offence was only to forfeit one year's profits of any one of his spiritual preferments, with six months imprisonment: Here was a mild punishment, even of a clergyman offending, and yet that was not inflicted, unless he continued obstinate.

By the same act, if any of the laity should procure or compel any to use any other form of worship in a cathedral or parish church; even for so publick an affront to the established religion, he was only to be fined in 10 *l.* or to suffer three months imprisonment.

With this gentleness was our reformation at first set up; and tho' perhaps, it may be suggested, that by this mildness papists were so favourably used, that they had it soon in their power to lay that work in the dust, and to burn those who had used them so mercifully: Yet when things were happily re-established by Queen *Elizabeth*, tho' the penalties were a little heightened, still the moderation of that time was eminent.

A Clergyman that before for his first offence, had, forfeited one year's profits, of any one preferment, did by the act of the Queen forfeit one year of all his preferments, and the procurers or compellers of using another form of worship, even in a cathedral, were fined in an hundred marks.

With such gentle methods was our reformation at first established: And when the many conspiracies against the life of that Queen forced the government to greater severities, yet in the statute of
the

the twenty third of the Queen, the hearing of mass was indeed made more penal, one hundred marks was set for the fine, with a year's imprisonment, but with this temper, that if the person accused did before Judgment submit and conform, he was to be discharged; this is the highest severity to which our laws have carried the hearing of mass, and here is an easy way provided to escape it. It need not be observed that the penalty of this bill goes higher, and is not so easily avoided.

A papist convict, as soon as he conforms himself, and receives the sacrament, is immediately cleared; no incapacity lies upon him: But this act carries that matter further, to a year's incapacity. A papist that shall relapse, and fall under a second conviction, is only convicted over again, without any aggravation of the censure; which by this bill is much heightened upon a second offence; so that the penalties of this bill are higher than any the law has laid on papists, for assisting at the solemnest acts of their religion. It is true, if a papist shall hear mass with five persons more than those of his own family, he falls under the penalties of this bill; but all that have been abroad, and are acquainted with the methods of that religion, even where it acts in a full freedom, know that the practice of solitary masses among them is so common, that no man of that church is in danger of falling under any penalty, for having any number about him in the acts of their worship.

When the first act against conventicles past, which is the foundation of a great part of this bill, the fines set were six months imprisonment, to be redeemable by five pounds, for the first offence; a year's imprisonment, to be redeemable by ten pounds, for the second offence; and banishment was the punishment for the third offence.

The Lords disliking that severity, added a clause for redeeming that by an hundred pounds, and ap-

propriated the fine; the severity of these pains did not agree with the temper of *Englishmen*, and the act was not much executed; some years after that, a gentler act was made, the fines were then set at five shillings and ten shillings for the first and second offence; but no man could be fined above ten pounds for any offence against that act, except the master of the house where the conventicle was held, who was to be fined in twenty pounds.

The severity of this was intended to force the dissenters to petition for the toleration, that was then designed, and followed not long after; this act was executed in *Starling's* mayoralty with the greatest severity, at the time that *Madam* was at *Dover*. Soon after, that prosecution was slackened, but after the attempt made for the exclusion, these laws were again executed for some years, with great severity by a popish management. After they had set the church against the dissenters, then, according to their wonted acts, they studied to set the dissenters as much against the church.

When by such methods we were reduced to the last extremities, then was the late King invited to come and deliver us; and after he had secured our religion, our laws, and our liberties, he, by the act of toleration, which he passed, quieted those heats that had almost consumed us: Whatever some may think, he will be still reckoned among the greatest of our Kings; to him we owed a long continuance of a flourishing time, even during a great war, and it is to him that we owe the great happiness of her Majesty's being now on the throne.

The church has no reason to complain of the effects of the toleration; for as the numbers of those who divide from us do visibly abate all over the nation, so the heat and fermentation which was raised by those divisions is almost entirely laid, and we cannot but look on that as a happy step towards the healing of our wounds.

But

But what may we not look for under the reign of such a Queen! Whose example, whose virtues, and zeal give us reason to hope for a happy state of matters in the church, if undue severities do not again raise new flames, and set a new edge on men's spirits, which may blast those hopes, and defeat the success that we might otherwise expect under such an auspicious reign.

Before the act of toleration passed, while conventicles were illegal and criminal assemblies, yet even then a man in office, that was present at them, was only liable to a fine of ten pounds: Whereas by this bill, he is liable to a fine of an hundred pounds for being present at them, though they have now an impunity by law: It does not seem very suitable, that the same action shall be made ten times more penal after such an impunity is granted, than it was before the passing that law, while such assemblies were illegal.

This is yet more extraordinary, with relation to the churches of the foreign protestants, that were taken care of even in the act of uniformity, so that these are legal assemblies, not only tolerated but allowed: Now how unlimited soever the legislature is, as to the qualifications necessary for all that hold any place of trust, yet it seems contrary to all known rules, to lay a very heavy penalty on any action that is allowed by law.

A known maxim, with relation to the laws that are highly penal, is, that the words expressing the crime, ought to be clear, and of a determinate sense; not liable to constructions and stretches: Since the greatness of the penalty may prove an inducement to make those stretches, and to carry them far beyond what is intended. The crime so penal by this bill, is to be in a meeting with five more than the family, under the pretence of religious worship, other than according to the liturgy and practice of the church of *England*: Now we know indeed

what the liturgy is, but it is not so easie to tell what the importance of the word practice may be, or how far that may be carried, whether it is the practice of cathedral or parochical churches, and whether practice shall govern the liturgy, as in the not saying the second service at the altar, or christning after the second lesson? and whether all family prayer, if not by the form of the liturgy, is not condemned? Though many books for family prayers have been much recommended and commonly made use of.

In the country, few persons of condition are so retired, as not to have often five more than their family within their houses; must these be excluded from family prayer, if it is not according to the liturgy, and may not even the liturgy prayers, without psalms and lessons, be likewise included within these words, or at least be carried to that by vexatious informers, and be so given by easie juries, and partial Judges: It therefore seems ensnaring and unbecoming so mild a government, as ours happily is, especially when it is in such hands, to lay so heavy a penalty upon an offence so dubiously expressed.

But as the penalty seems excessive, and the words are of uncertain signification, so the Lords do not approve of the application of the sums to be raised by this bill, that they should all go to the informer. The ancient method was, to give them to the crown, and to leave the encouraging informers to the crown: It was one of those trusts that were lodged with the sovereign; and so the laws were to be executed severely or more remissly as the publick occasions required; but by this bill all is given to the informer, one hundred pounds for the offence, and five pounds a day for three months, both which may amount to five hundred and fifty pounds.

For though an oath must be made within ten days, yet this not being to be done in open court, the party may not hear of it, and if he knows it to be
false

false he may have no regard to it, so he may let it run to the term limited by the bill.

This nation has been groaning long under false swearing, that has been in every corner, all sides have had their share in it. Till God pours out another spirit upon us, one of our chief securities against false witnessing, is, that such an infamy follows it, especially when servants swear against their masters, that a small matter cannot tempt even a bad man, to so base a practice: But if so great a sum were to be the reward of such villany, it is hard to tell where it would stop.

A couple of bad servants, dismissed for ill practices, might be tempted, by interest, as well as revenge, to lay a probable story, and to carry it through by bold swearing; a great deal of this sort was but too much practised among us twenty years ago; and it is to be feared, that such a bill as this would set the same things again on foot.

Those who acquaint themselves with the *Roman* historians, see in them what a sort of people the *De-latores* were; the encouraging them, especially servants against their masters, was reckoned among the greatest reproaches of the worst emperors: but tho' *Domitian* made much use of such vermin, it is set out with great pomp and in very lively expressions, as the glory of *Trajan's* reign, that he freed *Rome* from that plague, and banished all those infamous betrayers of their masters. It is to be hoped, that a reign which God delights to honour, shall have no such blemish cast on it: And that no encouragement shall be given to false accusations and perjury, which the Lords apprehend might follow, if so great a reward were offered as this bill proposes: They think the reward they offer is enough to encourage honest and well-minded men to discover what they may know: And do not think fit to lay before them temptations, that may be too strong in so corrupt an age.

As

As for this occasional conformity, the Lords do not go about to excuse, or to defend it; but they who have observed the progress of these matters, and have born a large share in these controversies, must acquaint the Commons, that it is no new practice invented to evade the law: It has been both the principle and practice of some of the most eminent among the dissenters ever since *St. Bartholomew's*, in the year 1662. It is known, that *Baxter* and *Bates* did still maintain it, and that several books have been writ about it: And as the fiercest of the dissenters, who intended to keep up a wall of partition between them and the church, have opposed it much; so that the party of dissenters that came nearest the church, and of whom the greatest numbers have come over to it, were those that pleaded for it. Nor is it a certain inference, that because a man receives the sacrament in the church, he can therefore conform in every other particular; the office of the communion, is certainly one of the brightest and best composed of any that ever was in the church of God: The little exceptions that lay to the posture, were so fully cleared by the rubrick that is added, that it is indeed a wonder how any person should except to any thing in the whole office. But it does not necessarily follow, that therefore every man who is satisfied with this, should be likewise satisfied with every other part of conformity. There was a very learned and famous man that lived at *Salisbury*, *Mr. Tombs*, who was a very zealous conformist in all points but one, infant baptism; so that the receiving the sacrament, does not necessarily import an entire conformity in every other particular; no more than a man who can subscribe to the two first articles of our religion, that are indeed the main ones, and contain the doctrine of the Trinity, and the incarnation and satisfaction of Christ, is by that concluded to assent to the rest of the thirty nine; the dissenters agree to the first, but refuse some of
the

the last: This is likewise to be remembered, that after St. *Bartholomew*, in 1662, occasional conformity was a step that carried many much further; from occasional conformity it grew to a constant conformity, if not in the persons themselves, yet in their children; so the Lords now see some descended from occasional conformists, espouse the cause of the church with much zeal.

For these reasons the Lords do conceive the penalties in this bill to be excessive, and unreasonable.

As to the amendment in the preamble:

The Lords have reason to insist on it, because the words left out by them relate to another clause, which they think ought not to stand in the bill.

But that is not all.

The words left out in this amendment contain a proposition, which they cannot assent to as true: For as the law stands, every person to be admitted to any office, is not obliged to be conformable or receive the sacrament; Officers of inheritance, forest Officers, non commission Officers in the fleet, and many others, are under no such obligation.

The managers of the house of Commons themselves, seem to admit the words too general to be maintained in strictness, and therefore they have laboured to qualify them by construction; that is an expedient which must be resorted to, when untrue or improper words happen to be found in a law already made; but when a law is making, it has not been usual to contend for keeping in words which are plainly liable to exception, especially in a case where the clause is unnecessary, and the preamble sufficiently expresses the design of the law without it.

The Lords insist on their amendment, which leaves out the words relating to the corporation act.

They

They say it cannot be disputed but that the test act extends to all the considerable offices and employments, in which the security of the government may be concerned.

That law was made when the kingdom was under a just apprehension of danger to the church; and the expedient agreed upon as most likely to secure her, was, the placing all the considerable offices in the hands of her members; so that the design of the test act is the same with that of this bill.

Experience has justified the measures taken by that law, and there has been no complaint, that it was not extensive enough as to the several sorts of offices.

To encounter a practice which is supposed may be made use of to elude the true design of the test act, the Commons have proposed by this bill to restrain absolutely persons in office from going to meetings; and the Lords agree with them so far as relates to all manner of offices comprehended in the test act, which the Lords think is the right measure to go by.

All offices which relate to magistracy (as well within corporations as without) are manifestly comprehended in the test act; and therefore the Lords have wondred to hear the managers of the house of Commons argue, that it is of consequence to secure the magistracy of the corporations in the hands of church-men, or to affirm, that if this amendment was agreed to, dissenters may let themselves into the government of corporations; since it is directly otherwise.

The corporation act was made, when the kingdom was just delivered from a long usurpation, and was principally founded on reasons peculiar to that time.

Indeed nothing but so extraordinary a juncture could have excused the placing such extravagant powers

powers in the hands of the Commissioners appointed by that act.

Part of that act has been repealed, and there was no great regard had to it, at the time when a more effectual security was given to the church by the test. The Lords go not about to weaken the force of the corporation act, but think it not reasonable to extend the penalties of this bill to the general and uncertain words of that law.

The managers of the Commons say, the words of the test act are as general as those of the corporation act; if so, we seem to be contending about nothing; since how general soever the words of the test act are, the Lords have agreed they shall stand in the bill.

The words in the test act are universally understood; no doubt remains to what offices and persons it extends; it is not so as to the corporation act; the uncertainty of the words in that law, determines the Lords to think they ought not to be the description of the persons to whom the bill should reach.

They think themselves obliged to be more cautious in this matter, because the bill now depending does not only concern those who shall for the future come into offices, but such as are at present possessed of them.

In corporations there are many offices of a private and inferior nature; some have been obtained by purchase, some by long services; and men have attained to others in course; some of these are freeholds, many of them the whole subsistence of families, and perhaps have been enjoyed many years, under an obedience to all such terms as the law now in being has prescribed. And the Lords think it hard to disturb men in their freeholds and possessions by new laws, unless the case be such, that the security of the government does appear to be manifestly concerned. Where that does appear, the Lords can
satisfy

satisfy themselves in dispensing with private considerations (as is seen by what they have agreed to in this bill) but they can not go further.

The Lords look on the penalties in this bill, as it was framed by the house of Commons, to be very excessive, and such as bear no proportion to the offence, and therefore they cannot agree to them.

The practice of occasional conformity is not new, it is almost of the same date with the act of uniformity; it has been a known dispute among the dissenters, and vindicated in print by some of them, and practised by many of them, who had no thoughts of offices, and has been a means of bringing several persons entirely from meetings. The objection to their practice by those of the church of *England*, has been but of late.

The Lords do not go about to justify men who can come so far towards uniting with the church, and yet will stop there, any more than they do to justify any other of the points upon which the dissenters continue their separation.

And since there is reason to apprehend, that such a liberty as this may be preverted to the eluding the law, the Lords have agreed to restrain it.

They are willing to make it impossible for such men to keep in offices, because hypocrites would make use of such a liberty; but they are not willing to ruin persons utterly, on account of a practice, that many well-meaning men have been and may be led into, and which they think tends naturally to bring them over entirely to the church.

The penalty of 100 *l.* and 5 *l.* a day, and that whole sum given to the informer, the Lords think a dangerous temptation to perjury.

Our law has branded informers with the hardest character; troublesome persons, who grievously charge, vex and disturb the Commons, this is the description the law has given of them.

Judges must encourage these sort of men according to the terms of the laws when made ; but legislators when they are considering of laws to be made, must speak of these men as they are.

So great a temptation will make the innocent almost as insecure as the guilty.

Experience shewed this in the instances of some of the most active informers in prosecuting dissenters on the acts against conventicles ; who were convicted of perjuries against many persons, though there the temptation was nothing comparable to what it would be, if these penalties should stand.

And though the Commons have yielded to the Lords amendments, that two witnesses shall be necessary, and that the time of prosecution shall not be left indefinite ; yet that will not be sufficient, for both those things were provided for in the conventicle act.

And though the Commons have also yielded to shorten the time for the prosecution, yet the penalty may still amount to a very great sum, for the five pounds a day, may go on for three months.

The punishment of a total incapacity, is the heaviest, next the loss of life, and yet it is to be inflicted for the first offence.

The word employment is more general than any word the test act has, such punishment ought only to be for a crime of the highest nature ; and yet going to a meeting is no crime, as the law now stands, nor will it be a crime in any man who is not in office, when the bill is passed into a law.

The Lords agree to that part of the penalty which answers the visible design of the bill, by making the going to a conventicle to be forfeiture of office. To go further, to ruin mens estates, to make them infamous (for what can be more infamous than such a disability) they think is to exceed all bounds.

The

The managers for the Commons say, there are greater penalties in other laws; it does not appear by any instances which have been given. These penalties are much heavier than in most of the laws about religion. But if that were true, what is to be inferred from thence, if the crimes be not the same in the heinousness of their natures? Justice and good policy require there should be some proportion between the offence and the punishment.

The Lords have quite another consideration of the penalties in this bill, and those of the test act.

In the present case, an innocent man has only a sort of negative proof to defend him from false witnesses, who may chuse to assign such a time and place for the fact, as they know the party can be least likely to defend himself.

Whereas in the case of the test act, the man who resolves to obey the law, which is to subscribe the declaration, and receive the sacrament, has not only the liberty to choose his own witnesses of his receiving the sacrament, and attestation of the Minister who officiates; but the whole is put upon record: So that when a man has complied with the law, he is beyond all possibility of suffering by a false accusation.

There seems to be no occasion here to increase the punishment upon a second offence, for it does not depend upon the former, as in most cases, where the penalty is increased for the second offence; for when the office is gone, the person is under no legal restraint from going to conventicles.

If he obtains a new office, he brings himself at the same time under the reach of this law, upon a new account; and if he offends again, he will lose that office, besides incurring the pecuniary penalty.

The proviso, which is to qualify the incapacity, is made so very hard, that it is a new instance of the great severity of the bill. A man to set himself

right again, must take more publick shame to himself, than the severest laws against papists require, to discharge all the penalties and incapacities of a popish recusant convict, as appears plainly by perusing the several acts relating to that matter ; and the Lords will alway be tender of putting greater hardships on protestant dissenters than papists.

That no comparison ought to be made between the penalties the law had laid upon papists for holding of offices of trust, without taking the test and receiving the sacrament, and the penalties to be laid upon occasional conformity, for holding their offices after they have been at a conventicle.

This difference of punishment, that ought to be observed between these two, is not upon the account that the errors of the one are much greater than the errors of the other, how true soever that is, but because the one depend upon a foreign power, and are subject to it ; so the nation is really in danger if such men should hold employments, who must be looked on as publick enemies, and as persons who receive directions from an authority that we are sure is ever contriving our ruin ; but no such danger can be apprehended from men who have no other strength than what they have among our selves, which we are sure can no way be compared to the strength of the established church.

As to the occasional conformity, it will appear no such formidable thing, if we consider what the sense both of the church of *England*, and of the church of *Rome* was, of this matter, upon other occasions.

In the beginning of Queen *Elizabeth's* reign, the reformation and the liturgy were put on a foot, to bring over the whole nation, that had then a leaven of popery, to concur in it ; it had this effect, all the papists of *England* came to church, and were

occasional conformists : Yet the church of *England* was not uneasy at this ; they complained of no danger from it. But who was sensible of it ? It was the Pope, and he was in the right, as to his own interest ; for he saw what in time that occasional conformity would grow to, and therefore he put a stop to it, and by a Bull condemned it. And indeed the church of *Rome* has shewed by the methods of all their missions, that they apprehend no danger, but great advantage, from any step of the occasional conformity of protestants. They accept of any thing, and encourage every thing of that kind ; and we have all seen, by the fatal effects of their practice, that they are in the right, and gain their ends by it.

As for the clauses about the foreign protestants, there is great reason to give them all just encouragement ; for as they have brought among us many new manufactures, so they have carried them so far, that of late years we have exported to the value of a million of woollen manufactures, more than was done in King *Charles's* reign, before they came among us ; and the putting them under apprehensions or discouragements, may be a means to drive them to a country where they are sure of an entire liberty.

The book that goes under the Name of Mr. *De Wit* shews, that the *Dutch* reckon, that the woollen manufactures can never have such a settlement among us as with them, because they who must work them, cannot have so entire a Liberty of conscience here as there : We have felt the happy effects of the liberty granted them in the last reign, and it is to be hoped, that nothing will be done in this to impeach that, or to raise apprehensions and fears in the minds of men that are so useful to us, in the most important article of our trade.

As to the clause concerning universities, we are not to consider the danger they may be in under our present circumstances, but what may happen in another state of things. It is not so long, since we saw
what

what advantages were like to be taken against those learned bodies, if there had been such a law to furnish those that were troubling them without any reason or pretence, with the handle that this bill might have given them without this clause ; and therefore the Lords think they are too much indebted to those great foundations, not to take care of them, and think themselves bound to secure them, even from remote and possible dangers ; besides that, the Vice-Chancellor and Heads of houses, being men often of great dignities and preferments, may by a severe prosecution be ruined, unless secured by a clause.

As for the clause concerning those societies that are engaged in taking care of the poor ; the nation, and this city in particular, has seen such good effects of their care and industry, that it cannot seem reasonable to put any discouragement upon them. How many poor children do they take care of ? They are by their means clothed and taught, and bound out to trades ; and if some mislead people join their assistance and charity to so great a work, shall they be hindered from it, or punished for it, if they have been so far mistaken as to be at a conventicle ? But this clause has no relation to endowed hospitals which are under peculiar statutes, and to which none of these people have any access : The law has taken care of these, and secured them ; and this clause relates only to free and voluntary societies, for such charities, which the Lords do not think fit to put any restraints upon, or to bar any from coming into them.

The managers for the Commons, by way of reply to these arguments urged by your managers, said,

That several of the Lords arguments were against the bill.

That the Lords had agreed to the greater part of this bill, and therefore should confine themselves, and speak only to their own amendments.

That no time could be more seasonable for this bill, than the present; because the church was now in no danger of popery, or of fanaticism: But good laws are to be made for posterity, and may be obtained most easily in the best reigns.

That the Right of election of Members to serve in Parliament, is in those that are concerned in the government of corporations, and if they should by this bill be turned out of their employments, and consequently lose their votes in the elections; yet it cannot be said, they lose their birthrights, because no man is born a magistrate.

That the Commons penalty bears a just proportion to the offence, and that all above one hundred pounds is for an obstinate persisting in the crime.

That the offender cannot be guilty through inadvertency, he must offend knowingly and willingly.

That the test act gives five hundred pounds, a much greater penalty than that in this act, to the informer; besides that act brings the offender under very great disabilities.

That an innocent man is no more secure under the test act, than under this bill; the question must be always upon his acting or not acting, which does not depend upon the record; and a very violent Prosecution has been known within a few years against an Alderman of *Worcester*, a constant conformist, only upon a nicety, and where there has been no fault in the party.

That the tryal must be by a jury, not in a summary way before a Justice of the peace, as in some of our penal laws.

That it was very plain, good protestants might be affected by prosecutions upon the test act.

Then their managers left the bill with the Lords, and said, they hoped the Lords would not let the publick lose the benefit of so good a law.

Then

Then the first amendment made by the Lords in 1st skin, 14th line, after [*scrupulous*] read [*but*] 15th line, leave out from [*whereas*] to [*several*] in the 30th line, was read.

After debate, the question was put, whether this house shall adhere to this amendment?

It was resolved in the affirmative.

Then the 2d amendment, (*viz.*) 1st skin, 30th line, leave out [*such.*]

After debate, the question was put, whether this house shall adhere to this amendment?

It was resolved in the affirmative.

Then the amendment in the 2d skin, 4th line (*viz.*) leave out from [*family*] to [*shall*] in the 17th line being read :

After debate, the question was put, whether this house shall adhere to this amendment?

It was resolved in the negative.

Then the amendment 1st line, leave out [*one hundred pounds, and five pounds for every day that any such person shall continue in the execution of such office or imployment*] and read [*twenty pounds to be divided into three parts, one third part to the Queen, one other to the poor of the parish where the offence shall be committed, and one third part to the informer.*]

The question was put, whether this house shall adhere to this amendment?

It was resolved in the affirmative.

Then the amendment in the 3d skin, 4th line, leave out from [*aforesaid*] to the end of the bill, being also read:

After debate, the question was put, whether this house shall adhere to this amendment?

It was resolved in the affirmative.

Then the next amendment clause (B) concerning protestant dissenters, being compellable to hold any offices, &c. being read :

The question was put, whether this house shall adhere to this amendment?

It was resolved in the affirmative.

Then the clause (C) being read (relating to the university sermons.)

It was agreed to adhere to this clause.

The clause (D) being read (relating to the *French* churches allowed of.)

It was agreed to adhere to this clause.

The clause (E) being also read (relating to the governors of hospitals, &c.)

It was agreed to adhere to this clause.

Die Lunæ, 25 Januarii, 1702.

The house being moved, to take into consideration what method is to be used in returning to the house of Commons the bill, intituled, *An Act for preventing Occasional Conformity*, since the Lords adhering to most of their amendments after the free conference : It is ordered by the Lords spiritual and temporal in Parliament assembled, that the Lords Committees who were the managers of the free conference on that bill, do meet to-morrow at ten a clock in the forenoon, and search precedents relating to this matter and report to the house.

Die Veneris, 29 Januarii, 1702.

The Lord Steward reported from the Lords committees to inspect the journals, in relation to delivering bills to the Commons, after the Lords adhering to their amendments :

That their Lordships find, it is to be delivered at a free conference, sometimes with, and sometimes without reasons.

Then several precedents were read out of the journal.

After which, it was agreed to deliver the bill at a free conference.

Then the Lords amendment (*viz.*) 2d skin, 4th line, leave out from [*family*] to [*shall*] in the 15th line,

line, to which the Lords had not adhered, being read, and debate thereupon.

The question was proposed, whether this house shall agree with the Commons, that the clause now read do stand part of the bill.

Then the previous question was put, whether this question shall be now put?

It was resolved in the affirmative.

The the main question was put, whether this house shall agree with the Commons, that the clause read do stand part of the bill?

It was resolved in the affirmative.

A message was sent to the house of Commons by Sir *John Hoskyns* and Sir *Robert Legard*, to desire a free conference on *Monday* next, at one a clock in the Painted chamber, upon the subject matter of the last free conference, relating to the bill for preventing occasional conformity.

The messengers sent to the house of Commons return answer, that the Commons agree to a free conference as desired.

Die Lunæ, 1 Februarii, 1702.

The Commons being come to the free conference, the managers names were read, and the Lords went to the free conference; which being ended, the house was resumed, and the Lord Steward reported, that the Lords had attended the free conference as commanded, and delivered the bill to the Commons, and acquainted them, that the Lords had receded from one of their amendments, and adhered to all the rest.

The bill as it then stood is as follows.

An Act for preventing Occasional Conformity,
(as it was amended and agreed to by the
Lords.)

AS nothing is more contrary to the profession of the christian religion, and particularly to the doctrine of the church of *England*, than persecution for conscience only; in due consideration whereof, an act passed in the first year of the reign of the late King *William* and Queen *Mary*, of glorious memory, intituled, *An act for exempting their Majesties protestant subjects dissenting from the church of England, from the penalties of certain laws*; which act ought inviolably to be observed, and ease given to all consciences truly scrupulous: But nevertheless, whereas several persons dissenting from the church, as it is by law established, do join with the members thereof, in receiving the sacrament of the Lord's supper, to qualify themselves to have and enjoy offices and employments, and do afterwards resort to conventicles or meetings, for the exercise of religion, in other manner than according to the liturgy and practice of the church of *England*, which is contrary to the intent and meaning of the laws already made: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in Parliament assembled, and by authority of the same, that if any person or persons, after the first day of *March*, which shall be in the year of our Lord one thousand seven hundred and two, either Peers or Commoners, who have or shall have any office or offices, civil or military, or receive any pay, salary, fee or wages, by reason of any patent or grant from her Majesty, or shall have any command or place of trust from or under her Majesty, or from any of her Majesty's

ity's predecessors, or by her or their authority, or by authority derived from her or them, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, or in her Majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or shall be admitted into any service or employment in her Majesty's household or family, or if any Mayor, Alderman, Recorder, or Bailiff, Town-Clerk, Common-Council-Man, or other person bearing any office of magistracy, or place of trust, or other employment relating to, or concerning the government of the respective cities, corporations, boroughs, cinque-ports and their members, and other port towns within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, who by the laws are obliged to receive the sacrament of the Lord's Supper, according to the rites and usage of the church of *England*, shall at any time after their admission into their respective offices or employments, or after having such grant, as aforesaid, during his or their continuance in such office or offices, employment or employments, or the enjoyment of any profit or advantage from the same, knowingly and willingly resort to, or be present at any conventicle, assembly or meeting, under colour or pretence of any exercise of religion, in other manner than according to the liturgy and practice of the church of *England*, in any place within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, at which conventicle, assembly or meeting, there shall be five persons or more assembled together, over and besides those of the same household, if it be in any house where there is a family inhabiting, or if it be in any house or place, where there is no family inhabiting, then where any five persons or more are so assembled, as aforesaid, or shall knowingly and willingly be present at any such meeting, in such house or place, as aforesaid, altho' the liturgy be there

there used, in case her Majesty, whom God long preserve, *Catherine* the Queen Dowager, and the Princess *Sophia*, or such others as shall from time to time be lawfully appointed to be prayed for, in pursuance of the act passed in the first year of King *William* and Queen *Mary*, intituled, *An act declaring the rights and liberties of the subject, and settling the succession of the crown*; and the act passed in the 12th and 13th of King *William* the third, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, shall not be there prayed for in express words, according to the liturgy of the church of *England*, shall forfeit the sum of twenty pounds, to be divided into three parts, whereof one third part to the Queen, one other to the poor of the parish, where the offence shall be committed, and one third part to the informer, after he or they shall have resorted to, or been present at any such conventicle, assembly or meeting, as aforesaid, to be recovered by him or them that shall sue for the same, by any action of debt, bill, plaint or information, in any of her Majesty's courts at *Westminster*, wherein no essoin, protection or wager of law shall be allowed, nor more than one imparlance.

And be it further enacted, that every person convicted in any action to be brought, as aforesaid, or upon any information, presentment or indictment, in any of her Majesty's courts at *Westminster*, or at the assizes, shall be disabled from thenceforth to hold such office or offices, employment or employments, or to receive any profit or advantage, by reason of them, or of any grant, as aforesaid.

(*Clause A.*) Provided, that no person shall suffer any punishment for any offence committed against this act, unless oath be made of such offence before some Judge or Justice of the peace, (who is hereby empowered and required to take the said oath) within ten days after the said offence committed, and

unless the said offender be prosecuted for the same, within three months after the said offence committed, nor shall any person be convicted for any such offence, unless upon the oaths of two credible witnesses at the least.

(*Clause B.*) Provided always, and be it enacted, that from and after the said first day of *March*, no protestant dissenter shall be compelled, or compellable, to take, serve, hold or bear any office or place whatsoever, for the taking, serving or holding whereof he cannot be duly qualified by law, without receiving the holy sacrament according to the usage of the church of *England*, and also making and subscribing the declaration mentioned in the statute made 25 *Car. II.* intituled, *An act for preventing dangers which may happen from popish recusants*; any statute, law, usage, or other thing to the contrary notwithstanding.

(*Clause C.*) Provided nevertheless, that this act shall not extend to the university churches in the universities of this realm, or either of them, when or at such times, as any sermon or lecture is preached or read in the same churches, or any of them, for or as the publick university sermon or lecture, but that the same sermons or lectures may be preached or read in such sort or manner, as the same have been heretofore preached or read; this act or any thing herein contained to the contrary in any wise notwithstanding.

(*Clause D.*) Provided, that no person shall incur any the penalties in this act, by resorting to, or being present at the religious exercises used in the *Dutch* and *French* languages, in churches established in this realm, in the reigns of King *Edward* the sixth, or of Queen *Elizabeth*, or of any other King of this realm.

(*Clause E.*) Provided always, and be it enacted by the authority aforesaid, that nothing in this act shall extend, or be construed to extend to any Governor

vernor or Governors of any hospital or hospitals, or to any assistants of any Corporation or Corporations, work-house or work-houses, constituted, erected, or employed for the relief and setting of the poor on work, and for punishing of vagrants and beggars ; all which said persons, and every of them, shall be and are hereby exempted from all the penalties mentioned in this act, and are hereby adjudged and declared, not to be subjected or liable to any of the penalties or forfeitures, mentioned in one act of Parliament made in the 25th year of the reign of King Charles II. *For preventing dangers which may happen from popish recusants*, for, or by reason of any of the aforesaid offices, places and employments.

After the Lords had retired, and it came to the final vote of *adhering*, the Lords were so equally divided, that in three questions put on different heads, the *adhering* was carried but by one voice in every one of them, and it was a different person that gave it in all the three divisions. The Commons likewise *adhered*, so the bill was lost.

BUT

BUT to resume a little the proceedings both of 1703.
 Lords and Commons in Parliament, during the remainder of this sessions — The Commissioners appointed by the Commons for the publick accounts having made their observations thereupon, the Lords took the same into their consideration on the 3d of *February*, and next day sent a message to the Commons to acquaint them, ‘ That they had proceeded upon
 ‘ the first observation, and the additional observation
 ‘ relating to the Auditor of the receipt of the *Exchequer* ; but those commissioners being members of
 ‘ the Commons, the Lords desired they, or some
 ‘ of them, might have leave to attend the Committee
 ‘ of Lords the day following.’ This was a nice point, about which the houses could not at all accord, so that each of them proceeding on in their own method, and the Commons having drawn up a long representation of what they conceived to be grievances in the preceding reign, on the 12th laid the same by way of address before her Majesty ; which is as here follows.

Most gracious Sovereign,

‘ **W**E Your Majesty’s most dutiful and loyal
 ‘ subjects, the Commons in Parliament assembled, (being deeply sensible, that notwithstanding the immense sums which have been raised
 ‘ for the service of the late war, the nation still labours under a vast debt of many millions of money)
 ‘ do think it our indispensible duty to lay before your
 ‘ Majesty the unhappy causes and instruments, which
 ‘ appear to us, to have brought this heavy burthen
 ‘ upon your people, not doubting but your Majesty
 ‘ will be graciously pleased, in your great wisdom
 ‘ and goodness, to give such effectual orders, that
 ‘ neither any indirect practices shall be suffered, nor
 ‘ any persons entrusted with the administration of the
 ‘ publick

Commons
 Address to
 the Queen
 about the
 publick accounts, &c.

publick affairs, who have been the authors of all our miseries.

We therefore humbly crave leave to represent to your Majesty, that during the said war, which was carried on in defence of the protestant religion, and the liberties of *Europe*, against the common enemy of both, and therefore chearfully supported by the people of *England*, yet, even then, when the great necessities of the kingdom did require a more than ordinary frugality, there appears to have been a general mismanagement of the publick revenue, which was principally owing to some of those great officers of the treasury, who being more intent on their own private profit, than the due execution of their publick trusts, did neither discharge the duty of their own places, nor take care that the sub-ordinate officers should discharge theirs.

And we can attribute it to no other cause than this remissness in the treasury, that many receivers in the several counties of *England* and *Wales*, made so long and unnecessary delays in their respective payments into the *Exchequer*, of the taxes given by Parliament, and levied on your Majesty's good subjects, by which means they made unreasonable advantages to themselves, whilst the publick was forced to pay great interest and large premiums, not only for the want of their own money, but, as we have great reason to believe, many times for the loan of it; and several receivers in such intermediate time have failed with considerable sums in their hands, to the great loss and damage of the publick.

Your dutiful Commons do farther humbly represent to your Majesty, That great sums of money have been borrowed, and divers tallies with interest struck unnecessarily upon the assessments and other Parliamentary aids, before the publick occasion have required them; and this practice hath been pursued, when votes of credit have been obtained,

upon

‘ upon representations made to your Commons of
‘ very pressing necessities for the same; whereby
‘ many officers of the revenue, and their friends, have
‘ had an opportunity to receive great sums for in-
‘ terest, which did incur on such tallies before their
‘ money was paid in to the use of the publick; for
‘ the advantage of which interest we have also reason
‘ to believe, that many accomptants (who have re-
‘ ceived from the *Exchequer* great sums of money
‘ for the use of the publick) did industriously delay
‘ the payment thereof to the seamen and soldiers, to
‘ whom it was due; and this seems to be the great
‘ inducement, that made such accomptants trust great
‘ sums of the publick money in the hands of gold-
‘ smiths and other persons, in order to make pri-
‘ vate advantages of it, and lend it back to the
‘ *Exchequer* in other persons names: All which tend-
‘ ed to the great damage of your Majesty’s good
‘ subjects, to the manifest wrong and discourage-
‘ ment of the seamen and soldiers, and to the great
‘ dishonour of the *English* nation.

‘ This evil practice of striking tallies with interest,
‘ before the money was paid in, was also attended
‘ with another very great inconvenience to the pub-
‘ lick, that whenever the nation had occasion for
‘ ready money to answer the present necessities of the
‘ kingdom, many persons who advanced their mo-
‘ ney upon loan, knowing they should have the same
‘ advantages by delay as by prompt-payment, would
‘ not bring their money into the *Exchequer* for seve-
‘ ral months after the tallies were struck, whereby
‘ the government was forced, in the mean time, to
‘ pay excessive rates for stores and provisions for the
‘ army and navy, in regard the merchants and trades-
‘ men could have no ready money for their goods,
‘ but remote tallies upon a large discount.

‘ And by these and other undue means, a very
‘ great part of all the publick aids were squandered
‘ away in extravagant interest, large premiums, and
‘ in

‘ in excessive rates for stores and provisions, which
‘ has been one of the great causes that hath brought
‘ so heavy a debt upon this nation.

‘ But here we cannot in justice omit to acknow-
‘ ledge the present good management of the treasu-
‘ ry, whereby, for the honour of your government,
‘ and the advantage of the whole nation, to unneces-
‘ sary tallies with interest are permitted to be struck,
‘ nor more money at any time borrowed, than the
‘ necessities of the nation do require; and care
‘ is taken to support the credit of the navy,
‘ victualling, and other publick offices; and that
‘ stores and provisions are in good measure provided,
‘ with as great advantage to the publick, as if the
‘ same were purchased with ready money; which
‘ frugality and good management will be found to
‘ be one of the most effectual means, to make your
‘ Majesty’s government easy at home, and to carry
‘ on a vigorous war against the common enemy
‘ abroad.

‘ And we humbly crave leave farther to represent
‘ to your Majesty, that though your Commons
‘ (who are always ready to support the dignity of the
‘ crown) had amply provided all those sums, which
‘ (according to the largest estimates laid before them)
‘ were thought necessary for the occasions of the ci-
‘ vil list, yet over and above the said sums, and out
‘ of the aids given by Parliament, (which by the
‘ law of *England* are appropriated, and ought to
‘ have been employed in the common profit of the
‘ whole realm) many large sums of money, during
‘ the time of such heavy taxes upon the people, have
‘ been diverted under the head of secret services, and
‘ for salaries, bounties and pensions, to private per-
‘ sons, which (if proper to be paid at all) ought to
‘ have been supplied out of the civil list: Nay, to
‘ so great a degree did this profuseness extend, that
‘ several thousand pounds were paid out of publick
‘ aids, to purchase great places for the late Earl of
‘ *Sunderland,*

‘ *Sunderland*, and the present Earl of *Albemarle*; so
‘ little could your Commons depend upon the inte-
‘ grity of the publick officers, so little regard was
‘ had by them to those heavy taxes the people lay
‘ under, that nothing less could secure the publick
‘ money from misapplications, than an expresse clause
‘ of appropriation; which though not at all necessa-
‘ ry for the security of the publick Money in gene-
‘ ral, but only to direct the application of it in some
‘ particular cases, yet whenever your Commons
‘ made no such particular appropriation, they sel-
‘ dom fail’d to misapply the publick money; which
‘ has been another great cause of the heavy debt that
‘ lies upon the nation.

‘ And your Commons humbly crave leave far-
‘ ther to represent to your Majesty, that the ancient
‘ and established method of accounting in your Ma-
‘ jesty’s *Exchequer*, hath been in manner following;
‘ that is to say, the Auditor of the receipt is to make
‘ out and transmit the imprest rolls half yearly to
‘ your Majesty’s Remembrancer, in order to the
‘ charging and prosecuting the Accomptants; which
‘ being communicated to the Auditors of the imprest,
‘ they are to certify to the said Remembrancer what
‘ Accomptants have not brought in or prosecuted
‘ their accounts, and thereupon the Remembrancer
‘ is obliged, every issuable term, to issue out process
‘ against them, so that the Auditor of the receipt
‘ is the main wheel that sets all the rest a going; and
‘ when that great officer is deficient in his duty,
‘ it is not regular, nor indeed possible, for the rest
‘ to proceed, but all process against accomptants must
‘ be at a stand, and your Majesty, and all your loyal
‘ subjects must extreamly suffer by it. And as to the
‘ clerk of the pells, he is to examine the imprest
‘ rolls, but the Auditor is obliged to transmit them
‘ to the Remembrancer; and when, thro’ the neg-
‘ lect or corruption of the said officers, this ancient
Vol. III. Z method

‘ method and course of the *Exchequer*, was not so
‘ strictly observed as it ought to have been, it was ex-
‘ pressly provided by an act of Parliament, so lately
‘ made as in the eighth and ninth year of the reign
‘ of his late Majesty King *William* of glorious me-
‘ mory, and intituled, *An Act for the better observati-*
‘ *on of the course anciently used in the receipt of the*
‘ *Exchequer*, in these words following, that is to
‘ say, *that the Auditor of the receipt shall transmit the*
‘ *ordinary imprest rolls half yearly to the King’s Remem-*
‘ *brancer, in order to the charging or prosecuting of Ac-*
‘ *comptants, and shall half yearly, (to wit) at Easter*
‘ *and Michaelmas, make out and transmit to the said*
‘ *commissioners of the treasury, or the Treasurer for the*
‘ *time being, the declaration of the receipt, issues and*
‘ *remains at the Exchequer for every half year succes-*
‘ *sively; all which matters and things, and all other*
‘ *matters and things belonging to the office and duty of*
‘ *the Auditor of the receipt, shall be faithfully and care-*
‘ *fully done and perform’d by the Auditor of the receipt*
‘ *for the time being, in such manner as hath been an-*
‘ *ciently accustomed.* And it is hereby farther pro-
‘ vided, *that the said Auditor do, as frequently as he*
‘ *thinks fit, but at least once in every three months,*
‘ *carefully examine the tellers vouchers, for the payments*
‘ *which he allows in his weekly certificates.* But so it
‘ is (most gracious Sovereign) that notwithstanding
‘ the plain and express words of the said statute so
‘ lately made, *Charles Lord Hallifax*, the present Au-
‘ ditor of the receipt, though he was himself a member
‘ of that Parliament, yet he hath taken so little care
‘ to discharge the duty of his office, for the interest
‘ of your Majesty and the security of the publick,
‘ that he hath not duly performed any one of the
‘ particulars above-mentioned; and for want of ex-
‘ amining the tellers legal vouchers, the said Auditor
‘ manifestly deceived your Majesty and the publick,
‘ by inserting into the weekly certificates of the re-
‘ ceipts,

‘ ceipts, issues, and remains of the *Exchequer*, such
‘ sums of money as were never actually and *bona fide*
‘ paid to the proper parties, nor the crown legally
‘ discharged thereof: And as to the imprest rolls,
‘ your Commons cannot without grief observe to
‘ your Majesty, that notwithstanding there may be
‘ six imprest rolls now transmitted to the Remem-
‘ brancer, yet it is well known in the said office, that
‘ none of the said rolls from the eight and twentieth
‘ of *June*, one thousand seven hundred, exclusive,
‘ were so transmitted, till very lately after the two
‘ and twentieth of *January* last, and after the said
‘ commissioners of accounts had made their enqui-
‘ ries into that neglect by order of your Commons ;
‘ which being long after the time they ought to have
‘ been transmitted, the said Auditor was very far
‘ from doing his duty in this particular ; and by rea-
‘ son of this neglect, no charge could be made in
‘ the mean time upon the respective Accomptants,
‘ who have received vast sums of the publick money,
‘ which are unaccounted for to this day ; and by this
‘ means, notwithstanding the imprest Accomptants
‘ ought annually to account within three months af-
‘ ter the end of each year, yet due process hath not,
‘ nor indeed could be issued out against them ; and
‘ many persons who have received great sums by
‘ way of imprest, from the Treasurer of the navy,
‘ and Pay-master of the army, are skreened from
‘ prosecution, and not being set *Insuper* in the *Ex-*
‘ *chequer*, cannot be regularly called to an account
‘ for the monies by them received : And we have
‘ great reason to believe, that the damage to the pub-
‘ lick by this neglect in the said Auditor and his pre-
‘ decessor, may amount to several millions of money,
‘ since by length of time (during which the princi-
‘ pal accounts have been neglected) many of the
‘ persons who received the said publick monies, are
‘ either dead, or become insolvent ; and the greater

‘ the neglect of the former Auditor was, before the
‘ making the said statute, and before the present Audi-
‘ tor came into his office, the greater ought to have
‘ been his care to discharge his duty, pursuant to
‘ that law, which he himself was present at the
‘ making of, and which he has so highly neglected
‘ for the space of three years and upwards, ever
‘ since he came into the said office, to the great
‘ detriment of your Majesty, and all your loyal
‘ subjects.

‘ And notwithstanding it was also provided by
‘ another act in the fourth year of the late King
‘ *William* and *Queen Mary*, Chap. 3. that in case
‘ any officer of the *Exchequer* should demand or take
‘ any fee, gratuity or reward, or misapply any of
‘ the weekly sums therein mentioned, or should not
‘ perform other things which by the said act they
‘ are required to perform, they shall forfeit their of-
‘ fices, and be incapable of any office or place of
‘ trust, yet the said Auditor hath acted contrary to
‘ the said statute, and hath received several sums of
‘ money to his own use, contrary to law and the
‘ trust reposed in him; for all which, or any other
‘ breaches of his duty, as well as for those formerly
‘ laid before your Majesty, (for whose gracious an-
‘ swer to our humble address on that occasion, we
‘ return your Majesty our most humble and hearty
‘ thanks) we earnestly desire your Majesty will be
‘ graciously pleased to order your Attorney-general,
‘ effectually to prosecute at law the said Auditor of
‘ the receipt: And thus, as we have seen great and
‘ good actions rewarded by your Majesty, we doubt
‘ not but to see all deceits and mismanagements duly
‘ punished; since your Commons can propose no
‘ benefit to themselves by all their enquiries, unless
‘ the laws are put in due execution, and those who
‘ have lived so long in defiance of them, come at
‘ last to feel their weight.

‘ And

‘ And by the neglect of the said Auditor and his
‘ predecessor, the Auditors of the imprest, and the
‘ Remembrancer, and other Officers of the *Exche-*
‘ *quer*, have not been able to proceed in their duty,
‘ according to the law and course of the *Exchequer*;
‘ several of which Officers have been also negligent
‘ therein, whereby all the publick accounts of the
‘ nation are far behind. The state whereof (as de-
‘ livered in to the said Commissioners of accounts) in
‘ the particulars hereafter mentioned, is as followeth:

‘ The Earl of *Ranelagh*, late paymaster of your
‘ Majesty’s forces, of one and twenty millions and
‘ upwards, received in fourteen years time, hath
‘ passed no account during all the late reign, farther
‘ than the last of *December*, one thousand six hundred
‘ and ninety, nor any other account farther than
‘ *March*, one thousand six hundred and ninety two,
‘ which was not declared before the twentieth of
‘ *June* last, and even that upon vouchers, which
‘ were not sufficient for a legal discharge.

‘ The Commissioners for the sick and wounded
‘ have brought in no account during all the late
‘ reign, and none since, any farther than the one
‘ and thirtieth of *December*, one thousand six hundred
‘ and ninety.

‘ The late Treasurer of the chamber, Sir *Rowland*
‘ *Gwyn*, the late Master of the robes, the Earl of *Al-*
‘ *bemarle*, and Mr. *Parkhurst*, Mr. *Paschall*, and
‘ others, Commissioners of the prize-office, have de-
‘ livered in no accounts at all to the Auditors of the
‘ imprest.

‘ *Jacob Vanderesche*, Esq; paymaster of his late Ma-
‘ jesty’s *Dutch* forces, hath received three millions
‘ twenty five thousand seven hundred fifty three
‘ pounds nine shillings and six pence; which by
‘ computation is fifty two thousand nine hundred
‘ and seven pounds six shillings and eight pence
‘ farthing, more than the pay of those troops could
‘ have amounted to, if they had been always com-

‘ pleat, no deductions made from them, and upon
‘ an *English* establishment, which all of them were
‘ not; and yet the said *Vandereſche* hath paſſed no ac-
‘ count at all; and tho’ often ſummoned, hath never
‘ appeared before the ſaid Commiſſioners of the pub-
‘ lick accounts, but ſtands indebted to the ſaid troops
‘ in one hundred and twelve thouſand two hundred
‘ twenty nine pounds nine ſhillings and eight pence;
‘ which is now demanded as an arrear due to them,
‘ your Maſteſty, and the publick.

‘ The late Treasuſer of the navy, of ſeventeen
‘ millions and upward received, hath brought in ſe-
‘ veral accounts, to the laſt of *December*, one thou-
‘ ſand ſix hundred and ninety eight. His account
‘ for the year one thouſand ſix hundred and ninety
‘ two was declared the third day of *July* laſt; ſince
‘ which the accounts of the three following years
‘ only have been declared.

‘ The ſaid Treasuſer, by Mr. *Papillion*, Caſhier of
‘ the victualling office, hath paſſed no account dur-
‘ ing all the late reign, farther than the one and
‘ thirtieth of *December*, one thouſand ſix hundred and
‘ ninety ſix, which was not declared till the 19th of
‘ *May*, one thouſand ſeven hundred and one; and on
‘ the foot of that account he remained indebted five
‘ hundred thirty four thouſand twenty ſeven pounds
‘ three ſhillings and three pence.

‘ And many other Accomptants, whom it would be
‘ too tedious to enumerate to your Maſteſty, are
‘ either far behind in their accounts, or have never
‘ brought in any accounts at all; inſomuch that
‘ altho’ forty five millions five hundred ſixty eight
‘ thouſand ſeven hundred twenty five pounds nine-
‘ teen ſhillings and two pence farthing (a ſum never
‘ known to be raiſed in very many reigns before)
‘ hath been levied on your Maſteſty’s good ſubjects,
‘ and iſſued out of the *Exchequer* to the ſeveral Pay-
‘ maſters and treasuſers of the navy, army and
‘ ordnance, for the ſervice of the late war, between
‘ the

‘ the fifth of *November*, one thousand six hundred
‘ and eighty eight, and the eighth of *March* last past,
‘ (besides the several millions of money raised for
‘ other publick uses) yet the far greatest part thereof
‘ hath not been accounted for to this day, to the
‘ great dissatisfaction of your people, and the great
‘ dishonour of the *English* nation.

‘ By these neglects and delays, all accounts have
‘ been rendred so intricate and confused, that the se-
‘ veral Accomptants have had great opportunities of
‘ defrauding the publick; the discovery of their
‘ frauds has been made very difficult, and a hin-
‘ drance thereby is given to the passing all succeed-
‘ ing accounts.

‘ Hence it is that so many publick Officers and Ac-
‘ comptants have raised great estates to themselves, at
‘ the expence of the publick, when it is evident they
‘ have had no lawful means to attain them; and se-
‘ veral persons, whose duty it was to hinder such ex-
‘ orbitancies, measuring their requests rather by their
‘ own avarice than their merit, have obtained for
‘ themselves grants to such a value, as in foregoing
‘ reigns have been esteemed large supplies towards
‘ great and publick services; which has been ano-
‘ ther great cause of the debt that lies upon the
‘ nation.

‘ And your Commons do farther humbly represent
‘ to your Majesty, that notwithstanding such vast
‘ sums issued out to the said late Paymaster and
‘ Treasurer, whereby your Commons had amply pro-
‘ vided for all those services, and for the effectual
‘ carrying on the war against *France*; yet they find
‘ to their great sorrow, that not only the officers,
‘ but the seamen and soldiers, who on all occasions
‘ have behaved themselves bravely in defence of
‘ their country, have not been paid during the late
‘ war, and that great sums are still owing to many
‘ of them; whereas if the publick money had been
‘ duly applied to the uses for which it was given by

‘ your Commons, instead of those many hardships
‘ that were endured by your Majesty’s most faithful
‘ subjects and their families, who served so well in
‘ your fleets and armies, they would have had ju-
‘ stice done them during the last war, and been en-
‘ couraged more chearfully to engage themselves
‘ in this.

‘ But, instead of justice, we have too much reason
‘ to believe, that those very persons, who by long
‘ and unnecessary delays have compelled them to
‘ accept of remote tallies and paper securities, have
‘ (amongst others) taken advantage of their neces-
‘ sities, and employing brokers to buy up those tal-
‘ lies and securities at a low rate, have afterwards
‘ paid themselves with that ready money which they
‘ should at first have distributed to the seamen and
‘ soldiers.

And such was the mysterious trade upon tallies
‘ and *exchequer* bills, which was formerly carried on
‘ by common brokers, betwixt the *exchange* and the
‘ *exchequer*, and which did, as it were, prey upon
‘ the very vitals of the government, and so great
‘ gain was made thereby, at the expence of the pub-
‘ lick, that vast sums of money were employed in
‘ it, which did very much lessen the true trading
‘ stock of the nation, whereby both the exportation
‘ of the woollen and other manufactures of this king-
‘ dom, and the importation of bullion, and other
‘ commodities of foreign countries, to be manu-
‘ factured in *England*, have been very much ob-
‘ structed, to the great prejudice of your Majesty’s
‘ customs, the loss of the ballance of trade, and the
‘ great impoverishment of the whole kingdom.

‘ And tho’ the late Paymaster and Treasurer, by
‘ long and unnecessary delays in settling their ac-
‘ counts, have in great measure prevented any dis-
‘ covery of their undue proceedings, and have en-
‘ deavoured to protect themselves from a just and
‘ fair account to the nation, by privy-seals and other

‘ un,

‘ unjustifiable warrants, surreptitiously obtained for
‘ passing their accounts, without proper vouchers,
‘ contrary to the law and course of the *Exchequer* ;
‘ yet your Commons, by the great fidelity and di-
‘ ligence of the same Commissioners for the taking,
‘ examining and stating the publick accounts of the
‘ kingdom, have not only discovered the several
‘ mismanagements above-mentioned, but also some
‘ of the unwarrantable proceedings used by the said
‘ late paymaster of your Majesty’s forces, by whom
‘ a considerable part of the money which came to
‘ his hands, and which ought not to have been ap-
‘ plied to any other purpose than the payment of
‘ the army, hath been diverted to his own and to
‘ other private uses ; for all which, upon a full and
‘ fair hearing in his own defence, he hath justly in-
‘ curred the censure of this house, and been declar-
‘ ed guilty of a high crime and misdemeanor.

‘ And we find, to our unspeakable grief, whilst
‘ his late Majesty was engaged in the prosecution of
‘ the glorious design of preserving the protestant re-
‘ ligion, and the liberties of *Europe*, and was there-
‘ by necessitated to commit the care of the publick
‘ affairs in this kingdom to particular ministers,
‘ (whereof none were more particularly entrusted in
‘ the chief administration than those who have been the
‘ great causes of the unhappy differences among us.)
‘ This general mismanagement of the publick af-
‘ fairs did actually spread itself over the whole king-
‘ dom, and seems to be owing (amongst other
‘ things) to a disposition of offices and places, where
‘ men were rather chosen for their inclinations to
‘ serve a party, than for their qualifications to serve
‘ the publick.

‘ And these men being conscious to themselves of
‘ the many frauds and offences committed against
‘ the publick, have no other hopes to shelter them-
‘ selves from justice, than by taking away the re-
‘ putation of those who desire to do right to their
‘ country,

‘ country, by detecting their iniquities ; and being
‘ united in guilt and interest, they endeavour to
‘ amuse and impose upon those, whose posterity, we
‘ have too much reason to fear, will groan under
‘ the sad effects of the wickedness of the one, and
‘ the too great credulity of the other.

‘ These, dread sovereign, are divers of the causes
‘ of those mischiefs your kingdom suffereth by the
‘ late mismanagements, and which your loyal Com-
‘ mons could not omit thus humbly to represent in
‘ all dutiful manner, without being unfaithful to
‘ your Majesty, and to the country by whom they
‘ are entrusted.

‘ From hence your Majesty will be graciously
‘ pleased to take notice, that the great debt which
‘ lies upon the nation, and all the arrears which are
‘ owing to your Majesty’s forces, do not arise so
‘ much from the deficiencies of the funds, as for
‘ want of care in the management, and fidelity in
‘ the application of them.

‘ But since it hath pleased Almighty God to place
‘ your sacred Majesty on the royal throne of your
‘ ancestors, we have so entire a confidence in your
‘ Majesty’s goodness, that we can no longer fear to
‘ see the publick revenue mismanaged or misappli-
‘ ed, the accounts neglected, or the forces unpaid ;
‘ and we chearfully depend on your Majesty’s wis-
‘ dom, that all our grievances, by your grace and
‘ favour, will in due time be redressed and remov-
‘ ed, by punishing those who have been the causes
‘ of them, and by entrusting none in the admini-
‘ stration of the publick affairs, who for their own
‘ private advantage, have manifestly contributed to
‘ the calamity of their country.

‘ This (most gracious sovereign) will be the only
‘ effectual means to prevent the like mismanage-
‘ ment for the future ; and thereby to make your
‘ Majesty’s reign happy at home, and prosperous
‘ abroad.

‘ This

‘ This will be the best means to enable and encourage your dutiful Commons to raise those supplies which shall be necessary to support your Majesty against all your enemies.

‘ Thus we humbly crave leave, upon this occasion, to repeat our assurances to your Majesty, that we will always stand by and assist your Majesty to the utmost of our power, in preserving the established government both in church and state, maintaining the ancient glory of the *English* Nation, and defending the liberties of *Europe* against the boundless ambition of *France*.

To this Address her Majesty made answer.

Gentlemen,

THE repetition of these assurances you give me in this address, of your zeal for my service, and the good of the kingdom, is very acceptable to me. I shall consider the several particulars of it, and always have great regard to the representations of the house of Commons, and the true interest of England.

Queen's
Answer.

To encounter these proceedings of the Commons, the Lords spent a pretty deal of time in making remarks upon the observations of the commissioners of publick accounts, and with the following address laid the whole before her Majesty.

May it please your Majesty,

‘ **W**E, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, having received from the commissioners for taking, examining and stating the publick accounts of the kingdom in pursuance of an act of Parliament, a book of accounts, together with several observations made by them, thought it incumbent on us, out of our duty to your Majesty, and our zeal for the publick, to have them carefully look'd unto and examined; and having made some remarks, and come to some

Lords Address about the publick accounts.

‘ resolutions thereupon, which we hope may be of
 ‘ service to your Majesty, and of publick advantage
 ‘ to the nation, we take the liberty to lay these our
 ‘ proceedings before your Majesty, humbly desiring
 ‘ that your Majesty will be graciously pleased to
 ‘ take the same into your royal consideration, and
 ‘ give such directions therein, as your Majesty in
 ‘ your great wisdom shall think fit.

To which her Majesty made this answer.

Queen's
 Answer.

*THAT her Majesty would take the whole matter in-
 to her consideration.*

His Grace the Duke of *Somerset* reported from the Lords committees appointed to consider of the observations delivered into the house from the commissioners of accounts, that the said commissioners had not attended the said committee, but upon consideration of the whole matter, the committee had ordered them to report, as follows.

That the committee appointed to consider of the observations in the book of accounts, delivered into that house the fifteenth day of *January* last, and the second of this instant, had made some progress in considering the said observations; and did humbly take leave to acquaint the house, that they have examined into the first of those observations; and also the farther observation delivered into that house the second instant, relating to the transmitting the ordinary imprest rolls to the Queen's Remembrancer: They have inspected several of the original imprest rolls delivered into the house by Mr. *Barker*, deputy to her Majesty's Remembrancer. They also examined divers officers of the *Exchequer*, and others, upon oath, and did find, that by the ancient and uninterrupted course of the *Exchequer*, two imprest rolls were to be made out for each year; the one comprehending all sums imprest from the end of *Trinity* term to the end of *Hilary* term; the other con-

containing all such sums from that time to the end of *Trinity* term; which rolls were commonly called half-yearly rolls, though improperly: They found that by the ancient course of the *Exchequer*, these imprest rolls, being made out by the Auditor of the receipt, were to be delivered by him to the clerk of the pells, whose duty it was to examine and sign them; and this being done, the clerk of the pells delivered them to the Remembrancer.

This usage was by degrees discontinued in the reign of King *Charles* the second; and the Remembrancer, or his agent, used to come to the office of the Auditor of the receipt, and take away the imprest rolls from thence immediately: But in the time when the Earl of *Rocheſter* was Treasurer, the ancient usage was restored, and he did order that the imprest rolls should be carefully examined and signed by the clerk of the pells, before they should be transmitted to the Remembrancer, and accordingly since that time, the ancient custom had been observed, as well as the act of Parliament made in the eighth and ninth year of his late Majesty, *for the better observation of the course anciently used in the receipt of the Exchequer*: (That is to say) the said half yearly rolls, when made out and signed by the Auditor, had been by them transmitted to the clerk of the pells, and when the clerk of the pells had examined and signed them, he or his deputy had them delivered to the Remembrancer, and this appeared by the Remembrancer's endorsements upon the rolls. The Committee found, that *Charles* Lord *Hallifax* had been Auditor of the receipt from the end of *November*, 1699. Since which time, six imprest rolls had been transmitted to the Remembrancer, and there was a seventh roll now under examination of the office of the pells, and no other roll could be prepared till after the twelfth of this instant *February*.

Upon the whole matter, the Committee were humbly of opinion, That *Charles* Lord *Hallifax* Auditor
of

of the receipt of the *Exchequer*, had performed the duty of his office, in transmitting the ordinary imprest rolls to the Queen's Remembrancer, according to the ancient custom of the *Exchequer*, and the direction of the act 8 & 9 *Gulielmi Tertii Regis* intituled, *An act for the better observation of the course anciently used in the receipt of the Exchequer*; and that he had not been guilty of any neglect or breach of trust, upon that account.

Which report being read, as also the examinations taken upon oath by the Committee, as also the dates and endorsements of the several imprest rolls delivered by Mr. *Barker*, deputy to the Queen's Remembrancer: It was proposed to agree with the opinion of the Committee in this report.

Then the question was put, whether the house would agree to the opinion of the Committee in this report? And it was resolved in the affirmative in these words:

It is resolved and declared by the Lords Spiritual and Temporal in Parliament assembled, That *Charles Lord Hallifax*, Auditor of the receipt of the *Exchequer*, hath performed the duty of his office, in transmitting the ordinary imprest rolls to the Queen's Remembrancer, according to the ancient custom of the *Exchequer*, and the direction of the acts 8 & 9 *Gulielmi Tertii Regis*, intituled, *An act for the better observation of the course anciently used in the receipt of the Exchequer*, and that he hath not been guilty of any neglect or breach of trust upon that account.

And further, the Committee found by the certificates delivered to them by Mr. Auditor *Bridges*, and by Mr. *Moody*, deputy to the late Auditor *Done*, Numb. 1, 2 3. That divers accountants had not passed or finished their accounts during the three last reigns; particularly the accounts of the navy were very far behind; no Treasurer of the navy having perfected his accounts since the year 1667, except the Earl of *Danby*, who was empowered by Privy-Seal,

Seal to pass his account for the time he was sole Treasurer of the navy, viz. from the 14th of *October*, 1671. to the 12th of *July*, 1673. independent of former accounts; by which means the imprests standing out upon *Sir Thomas Littleton's* account, were dropt, and had been since pardoned.

Since that time, no Treasurer of the navy had passed a regular account, not being duly charged with the imprests standing out upon preceding accounts, nor had a final discharge. *Sir Edward Seymour's* accounts were declared to the first of *January*, 1680. on which he was indebted the sum of 181241 *l.* 16s. 2d. $\frac{1}{4}$. and he had an allowance upon bills of imprests for the sum of 144690 *l.* 11s 4d. $\frac{1}{2}$. but his final account ending at *Midsummer*, 1681. being not declared and transmitted to the pipe, no process could all this time issue against the persons who were accountable for this money; and if in the space of 22 years any of them had failed, or become insolvent, the sums that they ought to have repayed were lost to the publick, by the unreasonable delay in passing this account.

That from *Midsummer*, 1681. to the 8th of *April*, 1689. the late Lord *Falkland* was Treasurer of the navy, during which time no account had passed, nor any money paid upon bills of imprest had been brought to account.

That by reason the two former Treasurers had not passed their accounts, the Earl of *Orford* was obliged to have a Privy-Seal to empower him to pass his first account, without being charged with the imprests made by *Sir Edward Seymour* and the Lord *Falkland*.

That the said Earl's accounts were declared to the last of *March*, 1695. and his accounts to the last of *December*, 1698. were delivered to the Auditors, and would be ready for declaration in a short time, but his final account was not yet passed the navy board.

That by a new method of accounting in the navy, the Earl of *Orford* had had no allowance of such money,

money, as he had paid to divers persons upon bills of imprests, and otherwise, which method seemed a very great hardship to the accomptant, and too great an indulgence, no proceedings at law being to be had against them, and the Treasurer appearing to be indebted in great sums, which he had paid.

Upon these observations, the Committee conceived there must have been some great delays in passing the accounts of the navy, which ought to be found out, and prevented for the future; and as one means to forward the accounts, they offered it as their opinion, that the Comptroller of the Treasurer of the navy his accounts, and some others of the Commissioners of the navy should be excused from any other business of the navy board, and employed only to examine and sign the legers, and dispatch the accounts of the navy, till such time as they had brought up the accounts that had been so long in arrear, to the great loss of the publick.

And also that the respective persons who have had money impressed to them by orders of the Commissioners of the navy, might be set *in super* from time to time in the proper accounts of the said Treasurer, that so it might appear who was answerable to the publick for those sums.

The Committee did find, that anciently, and before the restoration, by the course of the *Exchequer*, process did issue, by directions from the Lord Treasurer, minuted upon the general imprest rolls, the King's Remembrancer then attending him with the said rolls; but ever since the year 1663. that method had been refused, and process had issued by warrants from the treasury, upon certificates from the Auditor of imprest, setting forth how far each accountant was behind in his accounts.

They found, that the orders made about issuing process by the Earl of *Rockester* when he was Treasurer (which seemed to be the foundation of this observation made by the Commissioners) were never
observed

observed by the Remembrancer, there being no entry of these orders in his office, nor did any of the senior clerks remember, that any such orders were ever transmitted to them. And if process should go out every issuable term, it would be extremely vexatious to those persons who were to account annually, and no advantage to the crown, because thereby they would be under process, before it could be practicable for them to come upon their accounts.

And whereas 'was represented, that the Auditors of the Exchequer's neglect in not making out the general imprest rolls half yearly, had been the occasion of great prejudice to the publick, by persons not accounting in due time; the Committee could not but observe, that as for forty years past no process had issued upon these rolls, so neither was it practicable to account by them, every Accomptant having a particular imprest roll expressing the Sums he was chargeable with at the Exchequer (during the time for which he then accounted) without which the Auditors of imprest could not give him a proper charge.

But the Committee were of opinion, that some more effectual method than was already in practice, should be found out, as well for the safety of the publick, as for the dispatch of the accounts in general.

The Committee did agree with the Commissioners in their observations on the second Paragraph, that the voluntary charge of the Pay-master of the army was under no check; and they thought it would be of use, if some proper person were appointed to comptrol the accounts of the pay-master of the army, and to examine and sign his voluntary charge; and that the said Comptroller should, from time to time, certify to the Secretary at war all deductions that were to be made from the established pay of the forces, to the end that the same might be specified

and deducted in every debenter and warrant for clearings.

As to the third paragraph, the Committee sent to the Commissioners to explain their observation in relation to tallies, alledg'd by them to have been unnecessarily struck, and received in answer the papers marked 1, 2, 3, 4, 5, 6, Which not giving satisfaction to the Committee, they desired a farther examination of these papers, whereupon the Commissioners transmitted two other papers, the one dated the 16th, the other the 18th of *February*; upon consideration of which it appear'd to the Committee, that this observation was not well grounded.

For first, The Commissioners concluded, that interest might have been saved on the tallies struck upon the first part of the land-taxes, because the produce of the said aids was paid into the Exchequer, within four or five months after the said tallies were struck. But it appeared to the Committee by a paper marked Numb. 1. That the first part of all land-taxes, from the year 1692. had been charged with large sums, as well for repaying the deficiencies of former years, as to repay what was necessarily borrowed to carry on the current service, before the acts passed; so that the first tallies levied after the acts passed, were postponed by these transferences, and placed in a very remote course of Payment; and the first Money paid in on the acts was applied to discharge tallies that had been struck many months before.

And secondly, it was well known, that credit in those years was at so low an ebb, that besides the interest then running on tallies, there wanted considerable premiums to raise money on them for the use of the publick.

But the Committee found, that the treasury, when it was in their power, did take the opportunity of saving interest to the publick, particularly in the case of the two millions subscribed for the *East-*

India trade, upon which the whole might have been taken up at an interest at eight pound *per Cent.* yet the treasury levied tallies of anticipation, without interest upon it, and the publick was put to no other charge of interest, than for the sum of 62000 *l.* struck in tallies for a very pressing service of the navy, at an interest of six pounds *per Cent.* only, as appears by the paper marked N^o. z.

They also found, that some of the loans which were obtained before the land-taxes passed, and transferred thereunto, had been of great service to the publick, by being applied to the paying off seamen, and saving the charge of them during the Winter; and it particularly appeared, that out of loans procured on credit of the Exchequer, in the year 1697. upon the conclusion of the peace, there was 51000 Men, of the forces then in the King's pay, discharged or disbanded before the Parliament gave any supply, as appeared by the papers, N^o 1, 2. and several ships were in like manner put out of pay, whereby there was a very great sum saved to the nation.

As to the particular instances given by the said Commissioners, of tallies struck unnecessarily, the Committee observed,

First, That the said Commissioners by their paper N^o 1. did charge the second four shillings aid with more than was actually lent thereupon, by 118969 *l.* 6 *s.* 11 *d.* $\frac{1}{4}$, as appeared by the account marked (A.)

Secondly, As to the sum of 622006 *l.* 13 *s.* transferred to the third four shillings aid, mentioned in their paper, N^o 2. it was all applied to the use of the navy and army; and there was that necessity for borrowing it before any supply could be granted, that the King was contented to pay the interest thereof (amounting to 4840 *l.* 13 *s.* 10 *d.*) out of his own revenue, and the publick was not charged with any interest, but from the time it was trans-

ferred to the aid, as appear'd by the papers marked (B. C.)

Thirdly, As to the 300000*l.* borrowed on the customs, mentioned in their paper, N^o 3. the same was all lent by the bank, at five pounds *per Cent.* and it was thought at that time a very great service, to procure any money upon a publick fund at that rate.

Fourthly, The Commissioners paper, N^o 4. differed from their own explanation thereof, 80000*l.* and the account they gave of the application of the tallies therein mentioned, seemed to be an entire mistake, as appeared by the paper marked (D.)

Fifthly, As to the 200000*l.* loans on malt, mentioned in the paper N^o 5. they appeared to have been chiefly applied to the service of his Majesty's family, at the time when he was going abroad, and the interest on them was so far from being unnecessary, that it did not hinder the tallies struck thereupon from going at a large discount.

Sixthly, The Committee found an error of 11760 pound in the Commissioners paper N^o 6. as appeared by the account marked (E.) The Committee observing, that no great debt had been brought upon the nation by striking tallies unnecessarily, as was suggested by the said Commissioners, they sent an order to the Treasury, for an account of the supplies that had been given from the 5th of *November*, 1688. to the end of the year 1697, that they might know how far the same had answered the publick occasions, or proved deficient of the sum that the Parliament intended to give: And they did find by the accounts marked *A. B. C. D. E. F. G. H.* that the supplies given in the respective years had fallen short, and been deficient in answering the sums voted and intended to be granted, the sum of 5717225*l.* 10*s.* 0*d.* $\frac{1}{4}$ and the Committee conceived these deficiencies had been the great occasion of the debts owing to the army, navy, and other publick offices.

Besides these deficiencies of the supplies which had occasioned the great arrears that were due in several offices, the Committee took notice, that there had been great deficiencies in the produce of the funds, which had fallen very much short of answering so much money as it was estimated they would produce, whereby the tallies authorized to be struck thereupon, had not been paid off within the time for which they were first granted; which had occasioned the long continuance of many taxes, and supplies to make good the deficiencies of others: These deficiencies in the year 1697. amounted to the sum of 5160459*l.* 14*s.* 9*d.* $\frac{1}{4}$. and were provided for by an act passed 8 & 9 *Gulielmi*, intituled, *An act for making good deficiencies, &c.* And in the last year, there were more of the same nature, amounting to very near three millions, provided for by an act passed *Primo Annæ*, intituled, *An act for making good deficiencies, &c.* And these deficiencies, *viz.* of the supplies, (whereby the money actually given each year, fell short of the expence in that year, as it was settled and agreed in Parliament) and the deficiencies of the funds (whereby the money actually paid in on the aids, fell short of the sums allowed to be borrowed thereupon) seem'd to have been the real occasion of the great debt the nation at present laboured under.

As for the fourth paragraph, the Committee did find that the duty of 25*l.* *per Cent.* on *French* goods, was granted to his late Majesty, his heirs and successors, for one and twenty years, and was intended rather as a prohibition than an aid; and they conceived his Majesty might make use thereof for the uses of the Government, till the same was particularly appropriated by Parliament: The same might be said of the 22*d.* *per* pound weight on *East-India* silks, and the seizures mentioned in the next paragraph, especially since his Majesty had been graciously pleased, to apply near three millions out

of his revenues to the occasions of the war, as appeared *per* paper, N^o 6.

But the Committee could not forbear taking notice of the manner of expression, used by the Commissioners in the fifth paragraph: They said the whole produce of the first of these (*viz.* 22 *d.* *per* pound weight on *East-India* silks) to the time it was appropriated, was applied to secret service, and to the discharge of a pension: The whole produce was 784 *l.* 8 *s.* 7 *d.* whereof 750 *l.* was paid to the Dutchess of *Grafton* on her pension, and 34 *l.* 8 *s.* 7 *d.* to Mr. *Lowndes* for secret service.

The Committee found there had been such allowances made as are mentioned in the sixth paragraph; and they thought it very unreasonable, that the charges of law-suits for determining the rights of officers should be placed to the King's account.

The Committee sent a copy of the 7th, 8th, 9th, 10th and 11th paragraphs to the late agents for taxes, and had received their answers in writing; by which it appeared, that of about twenty four millions under their care and inspection, there was the sum of 64284 *l.* 2 *s.* 7 *d.* $\frac{3}{4}$ now in arrear, and they said 'twas hardly possible so much as 15000 *l.* should be lost.

The Committee did not agree with the Commissioners in the twelfth paragraph; they thought the cash of the paymasters might be safely lodged in the bank, as kept in their private houses, and might be more convenient for making their payments.

As to the 13th and 14th paragraphs, relating to the Auditor of the Exchequer, the Committee had examined officers of the Exchequer upon oath, and did find that no Auditor of the Exchequer, except the Lord *Halifax*, had for above forty years last past, examined the tellers vouchers; that neither Sir *Robert Pye*, Sir *Robert Long*, or Sir *Robert Howard* did ever do it, either since the orders made by the Earl of *Rochester* in 1685, or since the late act of Parliament.

It

It appeared to the Commons, that an examination of the vouchers once in three months, as was prescribed by the said orders, or by the act, would be ineffectual, and no security to the publick; the tellers having an allowance in the weekly certificates of all payments directed by the Auditor upon them, whether the parties had come for their money, or not, and the sum so directed being discharged out of the certificate, and made liable to the demand of the party, it was presumed there was no failure in the payment, but there happening to be some stop in the payments, upon the recoinage of the money, the treasury appointed two persons at the salary of five hundred pounds *per Annum*, to examine the tellers payments; who continued to examine them once in a week, till the Lord *Halifax* came to be Auditor; and then the treasury to save this five hundred pounds *per Annum* to the King, put this business upon him; since that time he had been more than ordinary careful and diligent in examining the tellers vouchers, and securing the out-cash, which was a name used in the Exchequer for the money remaining in the hands of the teller, after it was directed by the Auditor, and not paid away by the teller: This formerly was an inconsiderable sum, but by increase of business in the Exchequer, had been of late years, generally forty or fifty thousand pounds at a time, remaining in the hands of each teller's clerk, without any comptrol.

But the present Auditor thinking this was too great a sum to be trusted in that manner, made a new regulation, to prevent any loss that might happen thereby to the publick, and had constantly imploy'd a clerk to examine the vouchers of the tellers every day; and all the money that was not paid away that day was lockt up in the chests with three locks; whereof the clerk of the Pells and the deputy Chamberlain kept two keys, and the teller a third; and the

Committee were of opinion, this had been a great security to the publick treasure.

They likewise found it had been the constant practice amongst the tellers, since the first granting the annuities, to issue all the money directed on them to *Robert Squibb*, who, together with three other persons, were intrusted by the tellers, under good security, to pay it to the respective proprietors.

That the tellers kept a book on purpose, in which the receipts of the said *Squibb* were entred; that upon the Auditors examination of the vouchers for the payments upon the annuities, the tellers produced the receipt of *Squibb*, as had always been done, to vouch their having paid by the hands of those intrusted by them, so much upon the annuities as was allow'd them in the weekly certificates. And the Committee conceived the Auditor had discharged his trust, if he saw that the sum of the receipts produced agreed with the payments allow'd to the teller, it being in most cases impossible for him to know whether the voucher, which the teller shewed him, be a true and legal voucher.

It was the duty of the tellers not to part with any of the King's treasure without taking a receipt to discharge the King, and therefore their vouchers, after examination, remained in their own hands, because they were to be answerable for them, both to the parties concerned, and to the publick.

They likewise found that in the year 1693. the salaries mentioned in this observation, were given to the respective officers, for themselves and their clerks, which had been paid out of the surplus of the duties, at the end of each year, which was granted to his Majesty, his heirs and successors; and the same had been paid to all the present officers of the Exchequer to *Christmas* last.

As to the remaining paragraphs, relating to the Commissioners of the stamp office, and the Commissioners of the customs, the Committee desired to be referred

referred to the answers in writing delivered in by the respective Commissioners, not having had time to enter into a particular examination of them; but as far as the Committee could judge, upon reading over the answer of the Commissioners of the customs, no material observations made by the Commissioners of accounts, seemed to be well examined, and rightly grounded.

In the mean time, her Majesty being desirous to have an end put to their sitting, ordered Mr. Secretary *Hedges* to acquaint the Commons, that she desired they would give all possible diligence to the business depending, her Majesty finding it necessary for the publick affairs, to put an end to that Session: Upon which they resolved on an Address to her Majesty, humbly to lay before her, that they had already dispatched all the necessary business before them. The concluding day at length came, when her Majesty went to the house of Lords, and sending for the Commons, was pleased to give her Royal Assent to several publick and private acts.

Which done, her Majesty was graciously pleased to deliver her self to both houses, in the following expressions.

My Lords and Gentlemen,

‘ I Return you my hearty thanks for the great dispatch you have given to the publick affairs in this session, which is an advantage extreamly material at all times, and I hope we shall find the fruits of it this year in the forwardness of our preparations.

Queen's
speech in
Parliament.

‘ I am to thank you, *Gentlemen of the house of Commons*, in particular, for the supplies with which you enable me to carry on the war; it shall be my care to have them strictly applied to the uses, for which you have designed them, and to the best advantage for the publick service. You have reposed great confidence in me by allowing so unusual a latitude,

‘ titude, as you have in the clause of appropriations;
‘ I shall improve all opportunities in the use of it,
‘ for the honour and true interest of the nation.

‘ I must further take notice to you, that the readi-
‘ ness you have shewn in the provision made for the
‘ Prince, is a very sensible obligation to me.

My Lords and Gentlemen,

‘ I desire and expect from you, that you make it
‘ your business in your several countries, to continue
‘ and preserve the quiet and satisfaction of my sub-
‘ jects: I hope such of them as have the misfortune
‘ to dissent from the church of *England*, will rest se-
‘ cure and satisfied in the act of toleration, which
‘ I am resolved to maintain: And that all those who
‘ have the happiness and advantage to be of the
‘ church of *England*, will consider, that I have had
‘ my education in it, and that I have been willing
‘ to run great hazards for its preservation, and there-
‘ fore they may be very sure, I shall always make it
‘ my own particular care to encourage and main-
‘ tain this church as by law established, and every
‘ the least member of it, in all their just rights and
‘ privileges; and upon all occasions of promotions
‘ to any ecclesiastical dignity, I shall have a very just
‘ regard to such, as are eminent and remarkable for
‘ their piety, learning, and constant zeal for the
‘ church; that by this, and all other methods which
‘ shall be thought proper, I may transmit it secure-
‘ ly settled to posterity.

‘ I think it might have been for the publick ser-
‘ vice, to have had some further laws for restraining
‘ the great licence which is assumed, of publishing
‘ and spreading scandalous pamphlets and libels; but
‘ as far as the present laws will extend, I hope you
‘ will all do your duty in your respective stations, to
‘ prevent and punish such pernicious practices.

‘ Above all other things, I do recommend to you
‘ peace and union among our selves, as the most ef-
‘ fectual

‘fectual means that can be devised to discourage and
‘defeat the designs of our enemies.

‘I must not conclude without acquainting you, I
‘have given directions, that my part of all the
‘prizes, which have been or shall be taken during
‘this war, be applied entirely to the publick service;
‘and I hope my own revenue will not fall so short,
‘but that I may be able, as I desire, to contribute
‘yet further to the ease of my people.

After which, the Lord keeper, by her Majesty's
command, prorogued the Parliament to *Thursday*
22d of *April* next.

THE PROCEEDINGS OF THE SCOTCH PARLIAMENT.

THE Parliament of *Scotland* met at *Edinburgh* Scotch Par-
liament
meets.
on the 6th of *May*. The ceremony of riding
from her Majesty's palace of *Holyrood-House* to the
Parliament house, was performed with great solem-
nity and in good order, all the Members being on
horse-back, and the Nobility in their robes and rich
footmantles, in the following method: Two Trum-
pets in their coats and banners, bare-headed; two
Pursuivants in the like manner, the Commissioners
for boroughs two and two, the Commissioners for
shires two and two, the Officers of State (who are
not Noblemen) two and two, the Lords or Barons
two and two, the Viscounts two and two, the
Earls two and two; after them four Trumpets
two and two, four Pursuivants two and two,
and six Heralds two and two, all in rich coats;
the Lion in his coat, collar and footmantle; then
rode in a breast the Earl of *Merr* carrying the sword
of state, the Earl of *Crawford* carrying the scepter,
and the Earl of *Forfar* (because of the minority of
the Marquis of *Douglas*) carrying the crown, all un-
covered;

covered; and on the right and left three Macers with their maces, bare-headed, and footmantles; after them the Earl of *Morton*, bearing the purse, bare-headed; then his Grace the Duke of *Queensberry*, Her Majesty's high Commissioner on horseback, with two Knights walking on each side, four Gentlemen-Ushers walking before his Horse, and before them his Grace's two Pages, and on the right and left sixteen footmen, all in rich liveries; after his Grace the Dukes and Marquesses rode; and last of all Her Majesty's troop of Guards: At the entry of the Parliament close the Constable and his guards received the members, and at the door of the house the Earl-Marshal and his guards: After the Lord High-Commissioner was on the throne, his commission was read; after which Her Majesty's gracious letter to the Parliament was presented by my Lord Commissioner, which is as follows:

ANNA R.

My Lords and Gentlemen,

Queen's letter to the
Scotch Parliament,
March 30.

‘ **W** E thought to have brought you sooner together in this meeting of Parliament, but the great and weighty affairs wherein we have been engaged this winter were a necessary hindrance.

‘ We have on several occasions given you and all our good subjects, assurance of our firm resolution to maintain and protect them in their religion, rights and liberties, as at present established by law.

‘ And if there be any thing else wanting for the satisfaction of our people, and the security of that our ancient kingdom, we shall be always ready to have it timeously provided for and supplied.

‘ You see that we continue engaged in a great and necessary war, for the defence of the *protestant religion*, and the preservation of the liberties of *Great Britain*; and we hope you will be careful to guard against all dangers that this war may threaten:

‘ For

‘ For which end, we recommend to you more parti-
‘ cularly the consideration of the state of our forces,
‘ forts and garrisons, that they may be duly and
‘ sufficiently maintained, and the necessary supplies
‘ granted for that effect, and all kept in such order,
‘ as may be most conducing to the ease, as well as
‘ safety of the country.

‘ We also recommend to your care, that trade be
‘ encouraged, and all methods taken for the advance-
‘ ment thereof, either by amending former laws, or
‘ making new ones, or any thing else that may be
‘ found needful and expedient for the benefit of the
‘ kingdom.

‘ It hath been, and shall always be our chief stu-
‘ dy and endeavour, to establish and secure the peace,
‘ and promote the good of that our ancient king-
‘ dom; and therefore we do expect your concurrence
‘ and assistance for such good and great ends; and
‘ that you will prosecute them with that wisdom,
‘ prudence and unanimity, as may most tend to our
‘ common advantage and satisfaction; but chiefly,
‘ that effectual means may be laid down for pro-
‘ moting of religion, virtue and true piety, and
‘ suppressing vice and immorality, and providing
‘ for the poor.

‘ We have appointed our right trusty and en-
‘ tirely beloved cousin and Counsellor, *James*, Duke
‘ of *Queensberry*, to be our Commissioner, and re-
‘ present our royal person in this session of Parlia-
‘ ment, being well satisfied, that the experience that
‘ both We and you have had of his great abilities,
‘ and fidelity in the former discharge of his trust,
‘ will fully commend our choice, and render him
‘ to you acceptable.

‘ This being your first meeting, and we having
‘ recommended nothing but what is for your own
‘ security and welfare, we confidently expect a suit-
‘ able return, and a dutiful and chearful concurrence
‘ in what we propose; and that all differences and
‘ animosities

‘ animosities laid aside, you will with concord and
 ‘ diligence bring matters to such a happy conclusion,
 ‘ as shall establish a lasting union between us and
 ‘ our people; So we bid you heartily farewell.

*Given at our court at St. James's the 30th day of
 March, 1703. and of our reign the second year.*

By Her Majesty's command,

T A R B A T.

Then her Majesty's Commissioner, and thereafter
 the Earl of Seafield, Lord High Chancellor, made
 the following speeches:

High Com-
 missioner's
 speech to the
 Scotch Par-
 liament.

My Lords and Gentlemen,

‘ **H**ER Majesty has been graciously pleased to
 ‘ give ample and frequent assurances to main-
 ‘ tain and protect the religion, laws and liberties of
 ‘ this her ancient kingdom, and the present constitu-
 ‘ tion of the church; if any thing be wanting for
 ‘ the ease and satisfaction of her Majesty's good sub-
 ‘ jects, I am sufficiently instructed and impower'd in
 ‘ what may be thought expedient to be proposed
 ‘ for that end.

‘ The close conjunction of the two monarchies,
 ‘ which in their turns have design'd to enslave *Eu-*
 ‘ *rope*, and extirpate our religion, made it just and
 ‘ necessary for her Majesty to be engaged in the war;
 ‘ and her early appearance gave life and vigour to
 ‘ the confederacy; and particular encouragement to
 ‘ the protestant Princes and states: God has hitherto
 ‘ blessed the arms of her Majesty and her allies
 ‘ with glorious success, both by sea and land; so
 ‘ that there is a stop put to the victories, and a
 ‘ check given to the encroaching power of *France*.

‘ It cannot but be great satisfaction to us to be un-
 ‘ der the benign government of a protestant Queen;
 ‘ We

‘ We enjoy the comforts of peace, and feel neither
‘ the effects of tyranny, nor the disorders of war,
‘ in which so many are involved : But we ought not
‘ to be too secure ; and it were to tempt our enemies
‘ to form designs, or make insults against us, if
‘ they see us in no Condition of defence.

‘ All her Majesty proposes to you, is for your-
‘ selves, without mingling any particular concern of
‘ her own ; it is to continue the provision for the
‘ forces on the establishment, and to furnish and re-
‘ pair the forts and garrisons, which is so necessary,
‘ that I cannot doubt of your ready compliance
‘ with her Majesty’s desires : And your chearfulness
‘ in it will be very acceptable to her Majesty, ob-
‘ servable to the world, and a great evidence of
‘ your loyalty and affection, which will add much
‘ to the value of what you offer.

‘ The decay and present low condition of trade,
‘ requires your prudent and special consideration ;
‘ her Majesty on her part is willing, to concur with
‘ you in any thing that may contribute to encourage
‘ and restore it, either by making new laws, or
‘ amending the present ones.

My Lords and Gentlemen,

‘ It has pleased her Majesty to honour me with a
‘ character to represent her royal person in this
‘ session of Parliament ; I am very sensible of the
‘ great weight and difficulties which do attend that
‘ trust, but my encouragement is from the confi-
‘ dence I have of her Majesty’s goodness, in be-
‘ lieving my sincerity and zeal for her service, and
‘ that in her royal wisdom she is so careful of her
‘ people, that I am not charged with any thing,
‘ that can be constructed to be against the interest
‘ of the kingdom, which gives me assurance of your
‘ hearty concurrence, and I shall very faithfully re-
‘ port what services are done by every person to
‘ her Majesty and the nation.

My

Lord Chan-
cellor's
speech to
the Scotch
Parliament.

My Lords and Gentlemen,

‘ **H**ER Majesty’s accession to the throne of her
‘ royal ancestors, is the great happiness of
‘ all her Majesty’s dominions; she has ever firmly
‘ adher’d to the protestant religion, and may justly
‘ be called the defender of the protestant interest in
‘ *Europe*; and all who have had the honour to have
‘ more immediate access to her Majesty’s person,
‘ or who have duly consider’d the whole steps of
‘ her Majesty’s government, must be convinced,
‘ that it is her Majesty’s chief design to make all
‘ her subjects happy.

‘ You have heard her Majesty’s most gracious let-
‘ ter, and his grace my Lord Commissioner’s speech,
‘ and it must certainly give you, who are the repre-
‘ sentatives of this kingdom, conven’d by her Ma-
‘ jesty’s authority, great satisfaction, that her Ma-
‘ jesty does give you full assurance, of her royal
‘ resolution to maintain her people in the possession
‘ of their religion, of their laws, and of their liber-
‘ ties; and has so frequently promised her protection
‘ to the government of the church: But if any be
‘ yet needful for the ease, contentment and satisfac-
‘ tion of her Majesty’s subjects, her Majesty has
‘ given full instructions, as my Lord Commissioner
‘ has signified; so that nothing is wanting on her
‘ part, and nothing is proposed or demanded by
‘ her, but what is necessary for the security and
‘ prosperity of this kingdom.

‘ Her Majesty is engaged in a most just and ne-
‘ cessary war, for the defence of the liberties of *Eu-*
‘ *rope*, against the formidable power of the *French*
‘ King; and as we are to be thankful to God for the
‘ success her Majesty’s arms have had, so we ought to
‘ give her Majesty all the support and assistance in
‘ our power, it being so necessary for our own de-
‘ fence: And all that her Majesty demands, is that you
‘ provide for your own security, by giving such sup-
‘ plies

plies as may be further necessary for maintaining
her Majesty's forces, and repairing and providing
for the forts and garrisons ; the doing of which
will be a convincing proof of that entire union and
confidence, which is betwixt her Majesty and her
people, and will be the most effectual means to
disappoint the designs of our enemies, and to pre-
serve the peace and tranquillity we now enjoy.

The trade of this kingdom does deserve your
particular consideration ; the advancement and im-
provement of it is the only means to encrease the
wealth and riches of this nation, and in the doing
of which, you have full assurance of her Majesty's
concurrence. Our manufacturies are very much
improved, and ought to have all encouragement ;
but we have almost no foreign trade, and all our
towns and incorporations are thereby much im-
poverished. You have now an opportunity of do-
ing what you shall think necessary in this matter,
either by amending laws that may be prejudicial
to trade, or by making new ones, or reviving
such as are in desuetude.

My Lords and Gentlemen,

Seeing her Majesty's chief care is to make all
her subjects happy and contented, let us therefore,
in compliance with her Majesty's just demands,
cordially and unanimously concur to support her
Majesty's authority and government, to advance
religion and true piety, to discourage vice and im-
morality, to promote and improve trade, and to
do every thing that is necessary for the honour, in-
terest and security of this kingdom ; that so all
may be concluded that comes before you, to the
satisfaction of her Majesty, and the good and wel-
fare of her people.

The same day, his Grace the Duke of *Hamilton*
made a handsome speech in Parliament, importing,

That he could not be too forward in manifesting his zeal for her Majesty, and at the same time gave in the draught of an act, recognizing her Majesty's just title to the crown of *Scotland*, by *virtue of the claim of right*; which was received and marked read the first time; and the same day, on the 19th, was passed, recognizing and assuring her Majesty's undoubted right to the imperial crown of that kingdom, and declaring it high-treason in any of the subjects to disown, quarrel or impugn her Majesty's right and title thereto, or her exercise of the government thereof, from her actual entry to the same. The same day the Earl of *Hume* presented the draught of an act for a supply to her Majesty, upon which, among others, the following speech was made.

My Lord Chancellor,

Mr. F's
speech upon
it.

I am not surprized to find an act for a supply brought into this house at the beginning of a session: I know custom has for a long time made it common. But I think experience might teach us, that such acts should be the last of every session, or lie upon the table, till all other great affairs of the nation be finished, and then only granted. 'Tis a strange proposition which is usually made in this house, that if we will give money to the crown, then the crown will give us good laws, as if we were to buy our laws of the crown, and pay money to our Princes, that they may do their duty, and comply with their coronation-oath. And yet this is not the worst; for we have often had promises of good laws, and when we have given the sums demanded, those promises have been broken, and the nation left to seek a remedy; which is not to be found, unless we obtain the laws we want, before we give a supply. And if this be a sufficient reason at all times to postpone a money-act, can we be blamed for doing so at this time,

‘ time, when the duty we owe to our country in-
 ‘ dispensably obliges us to provide for the common
 ‘ safety, in case of an event, altogether out of our
 ‘ power, and which must necessarily dissolve the go-
 ‘ vernment, unless we continue and secure it by new
 ‘ laws; I mean the death of her Majesty, which
 ‘ God in mercy long avert? I move therefore, that
 ‘ the house would take into consideration, what acts
 ‘ are necessary to secure our religion, liberty and
 ‘ trade, in case of the said event, before any act of
 ‘ supply, or other business whatever, be brought
 ‘ into deliberation.

We shall hear no more of this bill in haste, and therefore proceed to observe, that the Marquis of *Tweddale* presented an overture for a resolve, That before all other business the Parliament might proceed to make such conditions of government, and regulation in the constitution of that kingdom, to take place after the decease of her Majesty, and the heirs of her body, as should be necessary for the preservation of their religion and liberty: Both which papers were read, and ordered to lie on the table. Then came on the act for the security of the kingdom, and the same ran in these terms.

‘ **T**HE Estates of Parliament considering, that
 ‘ when it shall please God to afflict this nation
 ‘ with the death of our Sovereign Lady the Queen
 ‘ (whom God of his infinite mercy long preserve) if
 ‘ the same shall happen to be without heirs of her
 ‘ body, this kingdom may fall into great confusion
 ‘ and disorder before a successor can be declared. For
 ‘ preventing thereof, our Sovereign Lady, with ad-
 ‘ vice and consent of the Estates of Parliament, sta-
 ‘ tutes and ordains, that if at the foresaid time, any
 ‘ Parliament or convention of Estates shall be assem-
 ‘ bled, then the members of that Parliament or con-
 ‘ vention of Estates shall take the administration of

Act for the
 security of
 the king-
 dom.

the government upon them : Excepting those Barons and Burrows, who at the foresaid time shall have any place or pension, mediately or immediately of the crown ; whose commissions are hereby declared to be void ; and that new members shall be chosen in their place : But if there be no Parliament or convention of Estates actually assembled, then the members of the current Parliament shall assemble with all possible diligence : And if there be no current Parliament, then the members of the last dissolved Parliament, or convention of Estates, shall assemble in like manner : And in those two last cases, so soon as there shall be one hundred Members met, in which number the Barons and Burrows before-mentioned are not to be reckoned, they shall take the administration of the government upon them : But neither they nor the members of Parliament, or Conventions of Estates, if at the time foresaid assembled, shall proceed to the weighty affair of naming and declaring a successor, till twenty days after they have assumed the administration of the government : Both that there may be time for all the other members to come to *Edinburgh*, which is hereby declared the place of their meeting, and for the elections of new Barons and Burrows in place above-mentioned. But so soon as the twenty days are elapsed, then they shall proceed to the publishing by proclamation the conditions of government, on which they will receive the successor to the *imperial* crown of this realm : which in the case only of our being under the same King with *England*, are as follows.

1. ' That elections shall be made at every *Michaelmas* head-court for a new Parliament every year, to sit the first of *November* next following, and adjourn themselves from time to time, till next *Michaelmas* : That they chuse their own President, and that every thing shall be determined by balloting, in place of voting.

2. ' That

2. ' That so many lesser Barons shall be added to
' the Parliament, as there have been noblemen created
' since the last augmentation of the number of the
' Barons; and that in all time coming, for every
' Nobleman that shall be created, there shall be a
' Baron added to the Parliament.

3. ' That no man have a vote in Parliament, but
' a Nobleman or elected member.

4. ' That the King shall give the sanction to all
' laws offered by the Estates; and that the President
' of the Parliament be impowered by his Majesty to
' give the sanction in his absence, and have ten
' pounds *sterling* a day salary.

5. ' That a Committee of one and thirty mem-
' bers, of which nine to be a *Quorum*, chosen out of
' their own number, by every Parliament, shall
' during the intervals of Parliament, under the King,
' have the administration of the government, be his
' council, and accountable to the next Parliament;
' with power in extraordinary occasions, to call the
' Parliament together: And that in the said council,
' all things be determined by ballotting in places of
' voting.

6. ' That the King without consent of Parlia-
' ment, shall not have the power of making peace
' and war; or that of concluding any treaty with
' any other State or Potentate.

7. ' That all places, and offices, both civil and
' military, and all pensions formerly conferred by
' our Kings, shall ever after be given by Parliament.

8. ' That no regiment or company of horse, foot,
' or dragoons, be kept on foot in peace or war, but
' by consent of Parliament.

9. ' That all the fencible men of the nation, be-
' twixt sixty and sixteen, be with all diligence pos-
' sible, armed with bayonets, and fire-locks all of a
' calibre, and continue always provided in such arms,
' with ammunition suitable.

10. ' That no general indemnity, nor pardon for
' any transgression against the publick, shall be valid
' without consent of Parliament.

11. ' That the fifteen Senators of the College of
' Justice, shall be incapable of being members of
' Parliament, or of any other office, or any pension :
' But the salary that belongs to their place, to be in-
' creas'd as the Parliament shall think fit : That the
' office of President shall be in three of their number
' to be named by Parliament, and that there be no
' extraordinary Lords. And also, that the Lords
' of the Justice Court shall be distinct from those of
' the session, and under the same restrictions.

12. ' That if any King break in upon any of these
' conditions of government, he shall by the estates
' be declared to have forfeited the crown.

' Which Proclamation made, they are to go on
' to the naming and declaring a successor ; and when
' he is declared, if present, are to read to him the
' claim of right and conditions of government above-
' mentioned, and to desire of him, that he may ac-
' cept the crown accordingly ; and he accepting,
' they are to administer to him the oath of Corona-
' tion : But if the successor be not present, they are
' to delegate such of their own number as they shall
' think fit, to see the same performed, as said is :
' And are to continue in the Administration of the
' government, until the successor his accepting of the
' crown, upon the foresaid terms, be known to them :
' Whereupon having then a King at their head, they
' shall by his authority declare themselves a Parlia-
' ment, and proceed to the doing of whatever shall
' be thought expedient for the welfare of the realm.
' And it is likewise by the authority aforesaid
' declared, That if her present Majesty shall think
' fit, during her own time, with advice and consent
' of the estates of Parliament, failing heirs of her
' body, to declare a successor, yet nevertheless, after
' her Majesty's decease, the members of Parliament

‘ or convention shall in the several cases, and after
 ‘ the manner above-specified, meet and admit the
 ‘ successor to the government, in the terms and after
 ‘ the manner as said is. And it is hereby further
 ‘ declared, that after the decease of her Majesty, and
 ‘ failing heirs of her body, the forementioned man-
 ‘ ner and method shall, in the several cases, be that
 ‘ of declaring and admitting to the government, all
 ‘ those who shall hereafter succeed to the *Imperial*
 ‘ crown of this realm: And that it shall be High-
 ‘ Treason for any man to own or acknowledge any
 ‘ Person as King or Queen of this realm, till they
 ‘ are declared and admitted in the above-mentioned
 ‘ manner. And lastly, it is hereby declared, that
 ‘ by the death of her Majesty, or any of her suc-
 ‘ cessors, all Commissions, both civil and military,
 ‘ fall and are void. And that this act shall come in
 ‘ place of the 17th act of the 6th session of King *Wil-*
 ‘ *liam’s* Parliament. And all acts and laws, that
 ‘ any way derogate from this present act, are here-
 ‘ by, in so far, declared void and abrogated.

This bill having been thus read, a learned member
 stood up, and made the following Speech upon it.

My Lord Chancellor,

‘ **T**IS the utmost height of human prudence to
 ‘ see and embrace every favourable opportuni-
 ‘ ty: And if a word spoken in season does for the most
 ‘ part produce wonderful effects; of what conse-
 ‘ quence and advantage must it be to a nation in de-
 ‘ liberations of the highest moment, in occasions when
 ‘ past, for ever irretrievable, to enter into the right
 ‘ path, and take hold of the golden opportunity, which
 ‘ makes the most arduous things easy, and without
 ‘ which the most inconsiderable may put a stop to all
 ‘ our affairs? We have this day an opportunity in
 ‘ our hands, which if we manage to the advantage
 ‘ of the nation we have the honour to represent, we

Mr. F's
 Speech
 upon it.

‘ may, so far as the vicissitude and uncertainty of hu-
‘ man affairs will permit, be for many ages easy and
‘ happy. But if we despise or neglect this occasion,
‘ we have voted our perpetual dependence on another
‘ nation. If men could always retain those just im-
‘ pressions of things they at some times have upon
‘ their minds, they would be much more steady in
‘ their actions. And as I may boldly say, that no
‘ man is to be found in this house, who at some time
‘ or other has not had that just sense, of the miserable
‘ condition to which this nation is reduced by a de-
‘ pendence upon the *English* court, I should demand
‘ no more, but the like impressions at this time, to pass
‘ all the limitations mentioned in the draught of an
‘ act I have already brought into this house ; since
‘ they are not limitations upon any prince, who shall
‘ only be King of *Scotland*, nor do any way tend to
‘ separate us from *England* ; but calculated merely to
‘ this end, That so long as we continue to be under
‘ the same prince with our neighbour nation, we may
‘ be free from the influence of *English* councils and
‘ ministers ; that the nation may not be impoverished
‘ by an expensive attendance at court, and that the
‘ force and exercise of our government may be,
‘ as far as is possible, within our selves. By which
‘ means, trade, manufactures, and husbandry, will
‘ flourish, and the affairs of the nation be no longer
‘ neglected, as they have been hitherto. These are the
‘ ends to which all the limitations are directed, That
‘ *English* councils may not hinder the acts of our
‘ Parliaments from receiving the royal assent ; That
‘ we may not be engaged without our consent in the
‘ quarrels they may have with other nations ; That
‘ they may not obstruct the meeting of our Parlia-
‘ ments, nor interrupt their sitting ; That we may not
‘ stand in need of posting to *London* for places and
‘ pensions, by which, whatever particular men may
‘ get, the nation must always be a loser, nor apply for
‘ the remedies of our grievances to a court, where for
‘ the

‘ the most part none are to be had. On the contrary,
‘ if these conditions of government be enacted, our
‘ constitution will be amended, and our grievances
‘ be easily redressed by a due execution of our own
‘ laws, which to this day we have never been able to
‘ obtain. The best and wisest men in *England* will
‘ be glad to hear that these limitations are settled by
‘ us. For tho’ the ambition of courtiers leads them
‘ to desire an uncontrollable power at any rate; yet
‘ wiser men will consider that when two nations live
‘ under the same prince, the condition of the one
‘ cannot be made intolerable, but a separation must
‘ inevitably follow, which will be dangerous, if not
‘ destructive to both. The Senate of *Rome* wisely
‘ determined in the business of the *Privernates*, that
‘ all people would take hold of the first opportunity
‘ to free themselves from an uneasy condition; that
‘ no peace could be lasting, in which both parties
‘ did not find their account; and that no alliance
‘ was strong enough to keep two nations in amity,
‘ if the condition of either were made worse by it.
‘ For my own part, my Lord Chancellor, before
‘ I will consent to continue in our present miserable
‘ and languishing condition after the decease of her
‘ Majesty, and heirs of her body failing, I shall ra-
‘ ther give my vote for a separation from *England*
‘ at any rate. I hope no man who is now possessed of
‘ an office, will take umbrage at these conditions of
‘ government, tho’ some of them seem to diminish,
‘ and others do entirely suppress the place he possesses:
‘ For besides the scandal of preferring a private in-
‘ terest before that of our country, these limitations
‘ are not to take place immediately. The Queen is
‘ yet young, and by the Grace of God may live
‘ many years, I hope longer than those she has
‘ placed in any trust; and should we not be happy,
‘ if those who for the future may design to
‘ recommend themselves for any office, could not
‘ do it by any other way than the favour of this
‘ House,

‘ house, which they who appear for these conditions
‘ will deserve in a more eminent degree? Would we
‘ rather court an *English* Minister for a place than a
‘ Parliament of *Scotland*? Are we afraid of being tak-
‘ en out of the hands of *English* courtiers, and left to
‘ govern our selves? And do we doubt whether an
‘ *English* Ministry, or a *Scotch* Parliament will be most
‘ for the interest of *Scotland*? But that which seems
‘ most difficult in this question, and in which, if sa-
‘ tisfaction be given, I hope no man will pretend to
‘ be dissatisfied with these limitations, is the interest
‘ of a King of *Great Britain*. And here I shall take
‘ the liberty to say, that as the limitations do no
‘ way affect any Prince that may be King of *Scot-*
‘ *land* only, so they will be found highly advantage-
‘ ous to a King of *Great Britain*. Some of our late
‘ Kings, when they have been perplexed about the
‘ affairs of *Scotland*, did let fall such expressions, as
‘ intimated they thought them not worth their appli-
‘ cation. And, indeed, we ought not to wonder, if
‘ Princes, like other men, should grow weary of
‘ toiling where they find no advantage. But to set
‘ this affair in a true light; I desire to know, whe-
‘ ther it can be more advantageous to a King of *Great*
‘ *Britain* to have an unlimited prerogative over this
‘ country in our present ill condition, which turns to
‘ no account, than that this nation, grown rich and
‘ powerful under these conditions of government,
‘ should be able, upon any emergency, to furnish a
‘ good body of land-forces, with a squadron of
‘ ships for war, all paid by our selves, to assist his
‘ Majesty in the wars he may undertake for the de-
‘ fence of the *Protestant Religion*, and liberties of
‘ *Europe*. Now since, I hope, I have shewn, that
‘ those who are for the prerogative of the Kings of
‘ *Scotland*, and all those who are possessed of places at
‘ this time, together with the whole *English* nation,
‘ as well as a King of *Great Britain*, have cause to be
‘ satisfied with these regulations of government, I
‘ would

‘ would know what difficulty can remain, unless that
‘ being accustomed to live in a dependency, and un-
‘ acquainted with liberty, we know not so much as
‘ the meaning of the word ; nor if that should be
‘ explained to us, can ever persuade our selves we can
‘ obtain the thing, tho’ we have it in our power by
‘ a few votes to set our selves and our posterity free.
‘ To say, that this will stop at the royal assent, is
‘ a suggestion disrespectful to her Majesty, and which
‘ ought neither to be mentioned in Parliament, nor be
‘ considered by any member of this house. And
‘ were this a proper time, I am confident I could
‘ say such things as, being represented to the Queen,
‘ would convince her, that no person can have
‘ greater interest, nor obtain more lasting honour by
‘ enacting these conditions of government, than
‘ her Majesty. And if the nation be assisted in this
‘ exigency by the good offices of his Grace the High
‘ Commissioner, I shall not doubt to affirm, that in
‘ procuring this blessing to our country from her
‘ Majesty, he will do more for us, than all the
‘ great men of that noble family, of which he is
‘ descended, ever did ; tho’ it seems to have been
‘ their peculiar province for divers ages, to defend
‘ the liberties of this nation against the power of the
‘ *English*, and the deceit of courtiers. What fur-
‘ ther arguments can I use to persuade this house
‘ to enact these limitations, and embrace this occa-
‘ sion, which we have so little deserved ? I might
‘ bring many ; but the most proper and effectual to
‘ persuade all, I take to be this, that our ancestors
‘ did enjoy the most essential liberties contained in the
‘ act I have proposed : And tho’ some few of less
‘ moment are among them which they had not, yet
‘ they were in possession of divers others not con-
‘ tain’d in these articles : That they enjoyed these
‘ privileges when they were separated from *England*,
‘ had their Princes living among them, and conse-
‘ quently stood not in so great need of these limita-
‘ tions

tions. Now since we have been under the same Prince with *England*, and therefore stand in the greatest need of them, we have not only neglected to make a due provision of that kind, but in divers Parliaments have given away our liberties, and upon the matter subjected this crown to the court of *England*, and are become so accustomed to depend on them, that we seem to doubt whether we shall lay hold of this happy opportunity to resume our freedom. If nothing else will move us, at least let us not act in opposition to the light of our own reason and conscience, which daily represents to us the ill constitution of our government; the low condition into which we are sunk, and the extreme poverty, distress and misery of our people. Let us consider, whether we will have the nation continue in these deplorable circumstances, and lose this opportunity of bringing freedom and plenty among us. Sure the heart of every honest man must bleed daily, to see the misery in which our Commons, and even many of our gentry live, which has no other cause but the ill constitution of our government, and our bad government no other root, but our dependance upon the court of *England*. If our Kings lived among us, it would not be strange to find these limitations rejected. 'Tis not the prerogative of a King of *Scotland* I would diminish, but the prerogative of *English* Ministers over this nation. To conclude, these conditions of government being either such as our ancestors enjoyed, or principally directed to cut off our dependance on an *English* court, and not to take place during the life of the Queen; he who refuses his consent to them, whatever he may be by birth, cannot sure be a *Scotch* man by affection. This will be a true test to distinguish not Whig from Tory, Presbyterian from Episcopal, *Hanoverian* from *St. Germans*, nor yet a courtier from a man out of place; but a proper test to distinguish

‘ distinguish a friend from an enemy to his country.
‘ And, indeed, we are split into so many parties, and
‘ cover our selves with so many false pretexts, that
‘ such a test seems necessary to bring us into the
‘ light, and shew every man in his own colours.
‘ In a word, my Lord Chancellor, we are to consider,
‘ that tho’ we suffer under many grievances, yet
‘ our dependence upon the court of *England* is the
‘ cause of all, comprehends them all, and is the
‘ band that ties up the bundle. If we break it,
‘ they will all drop and fall to the ground: If not,
‘ this band will straiten us more and more, till we
‘ shall be no longer a people.

‘ I therefore humbly propose, that for the security
‘ of our religion, liberty and trade, these limitations
‘ be declared by a resolution of this house to
‘ be the conditions, upon which the nation will receive
‘ a succession to the crown of this realm, after the
‘ decease of her present Majesty, and failing
‘ heirs of her body, in case the said successor shall
‘ be also King or Queen of *England*.

On the 27th, a petition by *Adam Cockburn* of *Ormiston*, late Treasurer-deputy, craving, that his Grace and the estates of Parliament might lay down such rules, for enquiring into the management of the funds imposed by Parliament, as he might hope to see those accounts discharged in his own time, was read and order’d to lie upon the table. A motion by the Marquis of *Athol*, Lord Privy-Seal, that the accounts of all funds given by the Parliament during the last reign, and how the same were applied, be laid before the Parliament, or any Committee thereof, to examine and report; agreed to.

On the 26th, there were great debates in the house, whether the act for the Cesse, or the Marquis of *Tweddale*’s resolve, to take into consideration all laws, liberty, property and trade, previous

to all other business, should be first read. They continued upon this debate till nine at night, and were adjourned without coming to a vote.

On the 28th, the draught of an act for security of the Kingdom was read, and the draughts of the several acts following were presented and read, *viz.* An act ratifying the first act of the first Session of the last Parliament, and declaring and enacting afresh, that all acts past in the several Sessions thereof be obey'd as Laws; and an act ordaining, that after the decease of her Majesty and heirs of her body, all officers, civil or military, in that Kingdom, conferred by their Kings, should ever after be given by the Parliament by way of ballot; the bill was conceived in these words.

Act about
Officers,
&c.

‘ **T**HE estates of Parliament taking into their con-
 ‘ sideration, that, to the great loss and detri-
 ‘ ment of this nation, great sums of money are
 ‘ yearly carried out of it, by those who wait and de-
 ‘ pend at court for places and preferments in this
 ‘ kingdom: And that by *Scotch* men, employing
 ‘ *English* interest at court, in order to obtain their
 ‘ several pretensions, this nation is in hazard of be-
 ‘ ing brought to depend upon *English* Ministers: And
 ‘ likewise considering, that by reason our princes do
 ‘ no more reside amongst us, they cannot be rightly
 ‘ informed of the merit of persons pretending to
 ‘ places, offices and pensions; therefore our Sove-
 ‘ reign Lady, with advice and consent of the estates
 ‘ of Parliament, statutes and ordains, that after
 ‘ the decease of her Majesty (whom God long pre-
 ‘ serve) and heirs of her body failing, all places
 ‘ and offices, both civil and military, and all pen-
 ‘ sions, formerly conferred by our Kings, shall ever
 ‘ after be given by Parliament, by way of ballot.

The

The act being read in this manner, a worthy member of the house was pleased to deliver himself upon it, in a Speech, to this purpose :

My Lord Chancellor,

‘ **W**HEN our Kings succeeded to the crown of *England*, the Ministers of that nation took
 ‘ a short way to ruin us, by concurring with their in-
 ‘ clinations to extend the prerogative in *Scotland*; and
 ‘ the great places and pensions conferred upon *Scotch*
 ‘ men by that court, made them to be willing instru-
 ‘ ments in the work. From that time this nation be-
 ‘ gan to give away their privileges one after the other,
 ‘ tho’ they then stood more in need of having them
 ‘ enlarged. And as the collections of our laws, before
 ‘ the Union of the crowns, are full of acts to secure
 ‘ our liberty, those laws that have been made since that
 ‘ time, are directed chiefly to extend the prerogative.
 ‘ And that we might not know what rights and li-
 ‘ berties were still ours, nor be excited by the memory
 ‘ of what our ancestors enjoyed, to recover those we
 ‘ had lost, in the two last editions of our acts of Par-
 ‘ liament, the most considerable laws for the liberty
 ‘ of the subject are industriously and designedly left
 ‘ out. All our affairs since the union of the crowns,
 ‘ have been managed by the advice of *English* Mini-
 ‘ sters, and the principal offices of the kingdom filled
 ‘ with such men, as the court of *England* knew would
 ‘ be subservient to their design: By which means
 ‘ they have had so visible an influence upon our whole
 ‘ administration, that we have from that time appeared
 ‘ to the rest of the world, more like a conquer’d pro-
 ‘ vince, than a free and independant people. The
 ‘ account is very short: Whilst our princes are not
 ‘ absolute in *England*, they must be influenced by that
 ‘ nation; our Ministers must follow the directions of
 ‘ the Prince or lose their places, and our places and
 ‘ pensions will be distributed according to the incli-
 ‘ nations

Mr. F's
Speech upon
it.

‘ nations of a King of *England*, so long as a King of
‘ *England* has the disposal of them: Neither shall any
‘ man obtain the least advancement, who refuses to
‘ vote in council and Parliament under that influence.
‘ So that there is no way to free this country from a
‘ ruinous dependance upon the *English* court, unless
‘ by placing the power of conferring offices and pen-
‘ sions in the Parliament, so long as we shall have the
‘ same King with *England*. The ancient Kings of
‘ *Scotland*, and even those of *France*, had not the pow-
‘ er of conferring the chief offices of state, tho’ each
‘ of them had only one kingdom to govern, and that
‘ the difficulty we labour under, of two kingdoms,
‘ which have different interests govern’d by the same
‘ King, did not occur. Besides, we all know that
‘ the disposal of our places and pensions is so inconfi-
‘ derable a thing to a King of *England*, that several
‘ of our princes, since the union of the crowns, have
‘ wished to be free from the trouble of deciding be-
‘ tween the many pretenders. That which would
‘ have given them ease, will give us liberty, and make
‘ us significant to the common interest of both nations.
‘ Without this, ’tis impossible to free us from a de-
‘ pendance on the *English* court: All other remedies
‘ and conditions of government will prove ineffec-
‘ tual, as plainly appears from the nature of the
‘ thing; for who is not sensible of the influence of
‘ places and pensions upon all men and all affairs?
‘ If our ministers continue to be appointed by the
‘ *English* court, and this nation may not be per-
‘ mitted to dispose of the offices and places of this
‘ kingdom, to balance the *English* bribery, they
‘ will corrupt every thing to that degree, that if
‘ any of our laws stand in their way, they will get
‘ them repeal’d. Let no man say, that it cannot
‘ be proved, that the *English* court has ever
‘ bestowed any bribe in this country. For they
‘ bestow all offices and pensions; they bribe us, and
‘ are masters of us at our own cost. ’Tis nothing
‘ but

‘ but an *English* interest in this house, that those
‘ who wish well to our country, have to struggle
‘ with at this time. We may, if we please, dream
‘ of other remedies; but so long as *Scotch* men must
‘ go to the *English* court to obtain offices of trust
‘ or profit in this kingdom, those offices will always
‘ be managed with regard to the court and interest
‘ of *England*, tho’ to the betraying of the interest
‘ of this nation, whenever it comes in competition
‘ with that of *England*. And what less can be ex-
‘ pected, unless we resolve to expect miracles, and
‘ that greedy, ambitious, and, for the most part, ne-
‘ cessitous men, involved in great debts, burden’d
‘ with great families, and having great titles to sup-
‘ port, will lay down their places, rather than com-
‘ ply with an *English* interest, in obedience to their
‘ Prince’s commands? Now to find a *Scotch* man
‘ opposing this, and willing that *English* ministers
‘ (for this is the case) should have the disposal of
‘ places and pensions in *Scotland*, rather than their
‘ own Parliament, is matter of great astonishment;
‘ but that it should be so much as a question in the
‘ Parliament, is altogether incomprehensible: And if
‘ an indifferent person were to judge, he would cer-
‘ tainly say we were an *English* Parliament. Every
‘ man knows, that Princes give places and pensions
‘ by the influence of those who advise them. So
‘ that the question comes to no more than, whether
‘ this nation would be in a better condition, if in
‘ conferring our places and pensions the Prince should
‘ be determined by the Parliament of *Scotland*, or by
‘ the ministers of a court, that make it their inte-
‘ rest to keep us low and miserable. We all know
‘ that this is the cause of our poverty, misery and
‘ dependence. But we have been for a long time
‘ so poor, so miserable and depending, that we have
‘ neither heart nor courage, tho’ we want not the
‘ means, to free ourselves.

Some other speeches having been made on this occasion, there was the same day an act read, declaring, that after the death of her present Majesty, and failing heirs of her body, no person coming to the crown of *Scotland*, being at the same time King or Queen of *England*, should as King or Queen of *Scotland*, have power to make peace or war without consent of Parliament.

An act allowing the importation of all sorts of wines and other foreign liquors, and an act for the securing the true protestant religion and presbyterian government, and the same day the act for continuing presbyterian government passed; and an act for a toleration of the episcopalians being brought in, it was delay'd until a proposal offer'd by a member, for bringing matters betwixt them and the presbyterians to a peaceable conclusion, be laid before the Parliament. The act for toleration proposed liberty for all protestant subjects to meet with their ministers for worship, in any houses they thought fit to appoint, without any molestation, and the molesters to be disturbers of the publick peace: And if any preachers in these meetings preach'd any seditious doctrine, tending to disloyalty, or to alienate the affections of the subjects from her Majesty's person and authority, they should be punished according to law. The Committee of the general assembly gave in a representation against that toleration, alledging there was no ground for it, because the people had no scruple in conscience against their communion, and the prelatical ministers could pretend none, there being no sinful condition of communion required of 'em; and it being their known principle, that difference of opinion about church-government was no sufficient reason for separation, they added that the known principles and practices of the party for whom this toleration was sought, sufficiently demonstrated that it would enervate discipline, open a door to vice and popery, as well as other errors, and cherish disaffec-
tion

tion to the civil government. Others objected that this draught did not oblige the prelatical preachers to take licences for meeting-houses from the government, not to own her Majesty's title and the doctrine of the church, as the toleration act did in *England*, and that there was no provision made to exclude those prelatical dissenters from places of power and trust; all which, considering their known principles, with relation to her Majesty's title, must unavoidably shake the foundation of the present constitution and unrange the claim of right.

The act for the security of the kingdom, meeting with some opposition from the throne, a member stood up, and spoke to this purpose:

My Lord Chancellor,

I Am sorry to hear what has been just now spoken from the throne: I know the duty I owe to her Majesty, and the respect that is due to her Commissioner, and therefore shall speak with a just regard to both: But the duty I owe to my country obliges me to say, that what we have heard from the throne must of necessity proceed from *English* councils. If we had demanded that these limitations should take place during the life of her Majesty, or of the heirs of her body, perhaps, we might have no great reason to complain tho' they should be refused: But that her Majesty should prefer the prerogatives of the knows not who, to the happiness of the whole nation of *Scotland*, that she should deny her assent to such conditions of government, as are not limitations upon the crown of *Scotland*, but only such as are absolutely necessary to relieve us from a subjection to the crown of *England*, must proceed from *English* councils; as well because there is no *Scotch* minister now at *London*, as because I have had an account, which I believe to be too well grounded, that a letter to this effect has been sent

Speech in
the *Scotch*
Parliament.

down hither by the Lord Treasurer of *England*,
not many days ago. Besides, all men who have
lately been at *London*, well know, that nothing has
been more common, than to see *Scotch* men of the
several parties addressing themselves to *English* mi-
nisters about *Scotch* affairs; and even to some ladies
of that court, whom for the respect I bear to their
relations I shall not name. Now, whether we shall
continue under the influence and subjection of the
English court; or whether it be not high time to
lay before her Majesty, by a vote of this house, the
conditions of government upon which we will re-
ceive a successor, I leave to the wisdom of the Parlia-
ment. This I must say, that to tell us any thing of
her Majesty's intentions in this affair, before we
have presented any act to that purpose for the royal
assent, is to prejudge the cause, and altogether un-
parliamentary. I will add, that nothing has ever
shewn the power and force of *English* councils up-
on our affairs in a more eminent manner, at any
time since the union of the crowns. No man in
this house is more convinced of the great advan-
tage of that peace which both nations enjoy by liv-
ing under one Prince. But as on the one hand,
some men for private ends, and in order to get into
offices, have either neglected or betrayed the interest
of this nation, by a mean compliance with the *Eng-
lish* court; so on the other side it cannot be denied
that we have been but indifferently us'd by the *Eng-
lish* nation. I shall not insist upon the affairs of
Darien, in which by their means and influence chief-
ly, we suffer'd so great a loss both in men and mo-
ney, as to put us almost beyond hope of ever hav-
ing any considerable trade; and this contrary to
their own true interest, which now appears but too
visibly. I shall not go about to enumerate instances
of a provoking nature in other matters, but keep
my self precisely to the things we are upon. The
English nation did, some time past, take into con-
sideration

' fideration the nomination of a fucceffor to that
 ' crown; an affair of the higheft importance, and
 ' one would think of common concernment to both
 ' kingdoms. Did they ever require our concurrence?
 ' Did they ever defire the late King to caufe the Par-
 ' liament of *Scotland* to meet, in order to take our
 ' advice and confent? Was not this to tell us plain-
 ' ly, That we ought to be concluded by their de-
 ' terminations, and were not worthy to be confulted
 ' in the matter? Indeed, my Lord Chancellor,
 ' confidering their whole carriage in this affair, and
 ' the broad infinuations we have now heard, That
 ' we are not to expect her Majesty's affent to any
 ' limitations on a fucceffor (which muft proceed from
 ' *English* councils) and confidering we cannot pro-
 ' pofe to our felves any other relief, from that servi-
 ' tude we lie under by the influence of that court;
 ' 'tis my opinion, That the houfe come to a reso-
 ' lution, *That after the deceafe of her Majesty, heirs of*
 ' *her body failing, we will feparate our crown from*
 ' *that of England.*

It was at divers other times farther urged, ' That
 ' there fhould be limitations on a fucceffor, in order
 ' to take away their dependance on the court of *Eng-*
 ' *land*, if both nations fhould have the fame King,
 ' no man there feemed to oppofe. And it was thought
 ' very few would be of opinion, that fuch limitations
 ' fhould be defer'd till the meeting of the nation's
 ' representatives upon the deceafe of her Majesty.
 ' For if the fucceffor were not named before that
 ' time, every one would be fo earneft to promote the
 ' pretentions of the perfon he moft affected, that new
 ' conditions would be altogether forgotten. So that
 ' thofe who were only in appearance for thefe limita-
 ' tions, and in reality againft them, endeavoured, for
 ' their laft refuge, to miflead well-meaning men, by
 ' telling them, that 'twas not advifeable to put them
 ' into the act of fecurity, as well for fear of lofing

all, as because they would be more conveniently placed in a separate act. They would fain know if any thing could be more proper, in an act which appointed the naming and manner of admitting a successor, than the conditions on which they agreed to receive him. They would know, if the deferring of any thing, at a time when naturally it should take place, were not to put a slur upon it, and an endeavour to defeat it. And if the limitations in question were pretended to be such a burden in the act as to hazard the loss of the whole, could they expect to obtain them when separated from the act? Was there any common sense in that? They were not to deceive themselves, and imagine the act of 1696. did not expire immediately after the Queen and heirs of her body; for in all that act, the heirs and successors of his late Majesty King *William* were always restrained and specified by these express words, *According to the declarations of the Estates, dated the 11th of April, 1689.* So that unless they made a due provision by some new law, a dissolution of the government would ensue immediately upon the death of her Majesty, failing heirs of her body. Such an act therefore being of absolute and indispensable necessity, it was the opinion of some, That the limitations ought to be inserted therein, as the only proper place for them, and surest way to obtain them: And that whoever would separate them, did not so much desire they should obtain the act, as that they should lose the limitations.

They hoped they need not inform that honourable house, that all acts which could be proposed for the security of that kingdom, were vain and empty propositions, unless they were supported by arms; and that to rely upon any law without such a security, was to lean upon a shadow. They had better never pass this act: For then they should

‘ should not imagine they had done any thing for
‘ their security ; and if they thought they could do
‘ any thing effectually without that provision, they de-
‘ ceived themselves, and were in a most dangerous
‘ condition. Such an act could not be said to be an
‘ act for the security of any thing, in which the
‘ the most necessary clause was wanting, and without
‘ which the rest was of no force : Neither could any
‘ kingdom be really secured, but by arming the peo-
‘ ple. No man was to pretend, that they had stand-
‘ ing forces to support that law ; and that if their
‘ numbers were not sufficient, they might raise more.
‘ ’Twas very well known, that nation could not main-
‘ tain so many standing forces as would be necessary
‘ for their defence, though they could entirely rely
‘ upon their fidelity. The possession of arms was
‘ the distinction of a free-man from a slave. He
‘ who had nothing, and belonged to another, must
‘ be defended by him, and needed no arms : But he
‘ who thought he was his own master, and had any
‘ thing he might call his own, ought to have arms to
‘ defend himself and what he possessed, or else he lived
‘ precariously and at discretion. And though for a
‘ while those who had the sword in their power, ab-
‘ stained from doing him injuries ; yet by degrees he
‘ would be aw’d into a submission to every arbitrary
‘ command. That their ancestors by being always
‘ armed, and frequently in action, defended them-
‘ selves against the *Romans*, *Danes*, and *English* ; and
‘ maintained their liberty against the incroachments
‘ of their own Princes. If they were not rich e-
‘ nough to maintain a sufficient number of standing
‘ forces, they had at least this advantage, That
‘ arms in their own hands served no less to maintain
‘ their liberty at home, than to defend them from
‘ enemies abroad. Other nations, if they thought
‘ they could trust standing forces, might by their
‘ means defend themselves against foreign enemies.
‘ But they who had not wealth sufficient to pay such

‘ forces, should not, of all nations under heaven, be
‘ unarmed. For them then to continue without arms,
‘ was to be directly in the condition of slaves : To
‘ be found unarmed in the event of her Majesty’s
‘ death, would be to have no manner of security for
‘ their liberty, property, or the independence of that
‘ kingdom. By being unarmed, they every day ran
‘ the risque of their all, since they knew not how
‘ soon that event might overtake them : To continue
‘ still unarmed, when by this very act, then under
‘ deliberation, they had put the case, which happen-
‘ ing, might separate them from *England*, would be
‘ the grossest of follies. And if they did not provide
‘ for arming the kingdom in such an exigency,
‘ they should become a jest and a proverb to the
‘ World.

‘ That if in the sad event of her Majesty’s de-
‘ cease, without heirs of her body, any considerable
‘ military force should be in the hands of one or
‘ more men, who might have an understanding to-
‘ gether, they were not sure what use they would
‘ make of them in so nice and critical a conjuncture.
‘ They knew, that as the most just and honourable
‘ enterprizes, when they fail’d were accounted in
‘ the number of rebellions ; so all attempts, how-
‘ ever unjust, if they succeeded, always purged them-
‘ selves of all guilt and imputation. If a man pre-
‘ sumed he should have success, and obtained the ut-
‘ most of his hopes, he would not too nicely examine
‘ the point of right, nor balance too scrupulously
‘ the injury he did to his country. They would not
‘ have any man take this for a reflection upon those
‘ honourable persons, who had at present the com-
‘ mand of their troops. For besides that they were
‘ not certain who should be in those commands at the
‘ time of such an event, they were to know, that
‘ all men were frail, and the wicked and mean-
‘ spirited world had paid too much honour to many,
‘ who had subverted the liberties of their coun-
‘ try.

try. They saw a great disposition at that time in some men, not to consent to any limitations on a successor, though they should name the same with *England*. And therefore since this is probably the last opportunity they should ever have, of freeing themselves from their dependence on the *English* court, they ought to manage it with the utmost jealousy and diffidence of such men. For though they had ordered the nation to be armed and exercised, which would be a sufficient defence when done: Yet they knew not but the event, which God avert, might happen before this could be effected. And they might easily imagine, what a few bold men, at the head of a small number of regular troops, might do, when all things were in suspense. So that they ought to make effectual provision with the utmost circumspection, that all such forces might be subservient to the government and interest of that nation, and not to the private ambition of their commander. They therefore moved, that immediately upon the decease of her Majesty, all military commissions, above that of a Captain, should be null and void.

Again it was added, they knew 'twas the undoubted prerogative of her Majesty, that no act of that house should have the force of a law without her royal assent. And as they were confident, his Grace the High-Commissioner was sufficiently instructed to give that assent, to every act which should be laid before him; so more particularly to the act for the security of the kingdom, which had already passed that house: An act that preserved them from anarchy: An act that armed a defenceless people: An act that had cost the Representatives of that kingdom much time and labour to frame, and the nation a very great expence: An act that had passed by a great majority: And, above all, an act that contained a caution of the highest importance for the amendment of their constitution.

‘ constitution. They did not presume the other day
 ‘ immediately after that act was voted, to desire the
 ‘ royal assent ; they thought it a just deference to
 ‘ the High Commissioner, not to mention it at that
 ‘ time. Neither would they now, but only that
 ‘ they might have an opportunity to represent to
 ‘ his Grace, that as he who gives readily doubles the
 ‘ gift ; so his Grace had now in his hands the most
 ‘ glorious and honourable occasion, that any person
 ‘ of that nation ever had, of making himself accept-
 ‘ able, and his memory for ever grateful to the peo-
 ‘ ple of that kingdom ; since the honour of giving
 ‘ the royal assent to a law, which laid a lasting
 ‘ foundation for their liberties, had been reserved
 ‘ to him.

Proceedings
 in the Scotch
 Parliament.

They agreed on the 6th of *July* to an act, that no subject of *England*, that had a title of peerage in *Scotland*, should be capable of voting in the Parliament of that nation, except he had 1000 *l.* sterling *per annum* within that kingdom. This was put to the vote, and carried by 36. The Duke of *Argyle* protested, that it might infer no prejudice to *Scotch* Noblemen who were under that rent. The Parliament had also under consideration an oath to oblige all those who should be members of that Parliament, that was to meet three weeks after the death of the Queen and the heirs of her body, to adhere to the claim of right.

On the 7th the act for security was proceeded in, and a farther clause being read, it was moved, that such limitations as should be thought necessary to be put upon the next successor might be considered, and after some reasoning about these limitations in general, there was a particular clause offered in writing, *That this kingdom shall not be engaged in any war, or continue in the same, but by advice and consent of Parliament, and that all treaties, wherein this nation may be concerned, may be managed and transacted by natives thereof,*

thereof, commissioned and instructed by advice and consent of Parliament, or Privy Council in the interval of Parliament, and accountable thereto, after reading whereof, and after a long debate thereupon, the vote was first stated in these words, *insert, and limitation upon the successor in this act*, yea or no, and being thereafter stated in these words, *add the clause about peace or war in this act*, yea or no, the vote was asked whether the first state or second state should be voted, and carried that the first state should be voted; which first state being then put to the vote, it was carried in the negative.

On the 9th it was moved, that there be a resolve of Parliament, that after the act of security of the kingdom was adjusted and voted, and the controverted elections mentioned in a former resolve considered, the Parliament would take into consideration and determine a memorandum there lying upon the table, concerning the power of making peace and war, preferable to all other matters and motions, nothing to intervene, and after debate, the vote was stated in these words, *resolve or not*, and thereafter stated in these words, *make the resolve or proceed upon the act*, and the question put, whether the first state or the second should be voted, then question put, *resolve or not*, 'twas carried in the affirmative. The act for security farther proceeded in, and some clauses being added, it was considered, if the heir of her Majesty's body, or successor declared, were under age, how long in that case a regency should continue, and after reasoning upon the question, if it should terminate when the heir or successor attained the age of 17 years compleat, or continue until the age of 21 years, the vote was stated 17 years or 21, and carried 17 years compleat.

The Parliament on the 15th, voted, that the time during which the Regent or Regents to be named by the Estates, were to continue, should be remitted to the meeting of the Estates. It was moved, that the following

following words might be added to the clause, empowering the meeting of the Estates to declare a successor to the crown, of the royal line and of the protestant line of the true protestant religion, *viz. as by law established within that kingdom.* It was also moved, that the matter being of such importance, the consideration of that part of the clause might be delayed till the next *Sederunt*; whereupon the vote was stated, *proceed or delay*, and carried *proceed*; after which, the question being first stated, *add to the clause or not*, it was moved, that the state might be, *add these words to the clause*, or *rest upon the security of the coronation-oath*; and being put to the vote, whether the first state or second state should be voted, it was carried for the latter; then the vote was stated in these terms, *add to the clause, or rest upon the security of the coronation-oath*, and carried, *rest upon the security of the coronation-oath.*

On the 16th, they proceeded farther in the act for security of the kingdom, and a clause was added in writing, brought in by the Earl of Roxburgh, enacting, *That the successor to be named by the meeting of the Estates (in case of her Majesty's death) be not the successor to the crown of England, unless there be such conditions settled and enacted, in this session of Parliament, as may secure the honour and independency of the crown of this kingdom, the freedom, frequency and power of the Parliament, and the religion, liberty and trade of the nation, from the English, or any foreign influence:* And upon debate if this clause should be added to the act, the vote was stated, *proceed further on the consideration of the act, yea or no*, and carried, *proceed*; and accordingly, after some further consideration of the clause, the Lord High Chancellor, by order of her Majesty's High Commissioner, adjourned the Parliament till Tuesday next at ten o'clock.

His Grace the Duke of *Hamilton*, and other noblemen, &c. protested against this adjournment, as unwarrantable, illegal, contrary to the claim of right, and to the 40th act of the 11th Parliament of King *James VI.* intituled, *That the order of the Parliament be inviolably observed; wherein the King, with the advice of the three estates, enacts, statutes and ordains, that the order of Parliament be inviolably observed for the future, and faithfully promises to do or command nothing, that may directly or indirectly prejudice the liberty of free voting and reasoning of the said estates, or any of them, at any time.* After the said protestation, his Grace and other noblemen, &c. went to *Pat. Steel's*, and drew up and sign'd an address to her Majesty.

The clause beforementioned, to be offered by the Earl of *Roxburgh*, was at the Parliament's next meeting, carried by a considerable majority in words to this effect: 'Providing always that the same
' be not the successor to the crown of *England*, un-
' less that in this present session of Parliament, or
' in any one other session of this, or any ensuing
' Parliament, during her Majesty's reign, there be
' such conditions of government settled and enacted,
' as may secure the honour and sovereignty of this
' crown and kingdom, the freedom, frequency
' and power of Parliaments, the religion, liberty
' and trade of the nation from the *English*, or any
' foreign influence, with power to the said meeting
' of estates to add such conditions of government,
' as they shall think necessary, the same being con-
' sistent with, and no ways derogatory from these,
' which shall be enacted in this and any other session
' of Parliament during her Majesty's reign. And
' further, but prejudice of the generality aforesaid,
' it is hereby specially statute, enacted and declared,
' that it shall not be in the power of the said meet-
' ing of the States to name the successor of the crown
' of *England*, to be successor to the Imperial crown
' of

of this realm, nor shall the same person be capable
 in any event to be King or Queen of both realms,
 unless a free communication of trade, the free-
 dom of navigation, and the liberty of the Planta-
 tions, be fully agreed to and established by the Par-
 liament and kingdom of *England* to the kingdom
 and subjects of *Scotland*, at the sight and to the
 satisfaction of this or any ensuing Parliament of
Scotland, or the said meeting of estates.

Now though this clause was carried by a majority
 of seventy votes, yet the Marquis of *Anandale*, Lord
 President of the Privy-council, the Duke of *Argyle*,
 and other members of the Parliament, protested
 against it in words to this effect :

Marquis of
Anandale's,
 &c. Protec-
 tion.

I *William*, Marquis of *Anandale*, do hereby pro-
 test for my self, and all that shall adhere to me,
 that the stating and voting of the clause following
 (*Providing always, that the same be not the successor to*
the crown of England, unless that in this present session
of Parliament, during her Majesty's reign, and in any
one other session of this, or any ensuing Parliament, du-
ring her Majesty's reign, there be such conditions of
government settled and enacted, as may secure the ho-
nour and sovereignty of this crown and kingdom, the
frequency and power of Parliaments, the religion, li-
berty and trade of the nation, from the English, or any
foreign influence, with power to the said meeting of
estates to add such farther conditions of government,
as they shall think necessary, the same being consistent
with, and no ways derogatory from these, which shall
be enacted in this and any other session of Parliament
during her Majesty's reign. And further, but prejudice
of the generality aforesaid, it is hereby specially statute,
enacted and declared, that it shall not be in the power of
the said meeting of estates to name the successor of the
crown of England, to be the successor to the Imperial
crown of this realm, nor shall the same person be capa-
ble,

‘ *ble in any event to be King or Queen of both realms,*
‘ *unless a free communication of trade, the freedom of*
‘ *navigation, and the liberty of Plantations be fully a-*
‘ *greed to and establisht by the Parliament and kingdom*
‘ *of England to the kingdom and subjects of Scotland,*
‘ *or the said meeting of estates) to be inserted in the*
‘ *act for the security of the kingdom, shall be no ways*
‘ *prejudicial to the power and freedom of this and en-*
‘ *suing Parliaments, or of the meeting of the estates,*
‘ *after her Majesty’s decease, to act, vote and deter-*
‘ *mine, as they shall see cause. And further, that*
‘ *that part of the clause, That none shall be capable to*
‘ *succeed to the crown of both nations, unless a free com-*
‘ *munication of trade, and of navigation, and of liber-*
‘ *ty, and of plantations be settled (as in the aforesaid*
‘ *clause) shall no ways prejudice the right of the*
‘ *Protestant successor of the royal line, to succeed to*
‘ *the crown of this realm, upon his agreeing to the*
‘ *claim of right, and other conditions of govern-*
‘ *ment that shall be settled in this, or any other en-*
‘ *suing Parliament, during her Majesty’s life, or*
‘ *by the meeting of estates, after her decease; al-*
‘ *beit the said communication of trade, and free-*
‘ *dom of navigation and the plantations should prove*
‘ *impracticable, or not be previously granted by the*
‘ *Parliament of England to this kingdom and the sub-*
‘ *jects thereof.*

But this protestation being objected against as illegal and unprecedented, it was not allowed to be inserted in the minutes and records, and so it issued in a dissent; to which, besides the two Lords above mentioned, the following Lords and gentlemen adhered, the Earls of Crawford, Lauderdale, Leven, Kintore, Melville and Hynford; the Lords Elphinstone and Ross; the Lairds of Prestown-Grange and Cavers, Sir Gilbert Elliot, Sir James Campbell, Sir Patrick Johnston, Walter Stewart of Pardoven, Mr. Francis Montgomery and Hugh Montgomery.

Upon

Upon the bringing in of the forementioned clause, wherein a communication of trade is insisted upon with *England*, there was this notable Speech, among others, made upon that occasion.

My Lord Chancellor,

Speech about
communica-
tion of trade
with *Eng-
land*.

‘ **W**Hen I consider the ruin and poverty, which
‘ my native country is reduced to, by that sen-
‘ sible decay of trade, ever since the union of the
‘ two crowns, and that this hath principally proceed-
‘ ed from our being debarred from any share in that
‘ plentiful trade which our neighbours of *England*
‘ do enjoy; when, I say, I consider this, my Lord, it
‘ is a great satisfaction for me to see a clause offered,
‘ for obtaining a *communication of that trade*; I am
‘ indeed of the same mind with these worthy persons,
‘ who consider that this one thing alone, will be able
‘ to regain our riches, and re-establish our happiness;
‘ and I cannot give a more sincere demonstration of
‘ my compliance with these worthy members, than
‘ by offering my advice on the matter.

‘ My Lord, I shall not here insist upon the useful-
‘ ness and advantage of a *communication of trade*. I
‘ hope it is obvious to the whole members within the
‘ house. I shall only beg leave here to point out, what
‘ methods we ought to follow, as provident men, to-
‘ wards compassing so good a purchase, and towards
‘ securing our selves, the possession of it, when we
‘ have obtained it.

‘ As to which, we are to consider, that what we
‘ shall thus acquire, must be the result of a treaty
‘ with our neighbours, who are at freedom to treat
‘ with us or not, as they shall think fit, and who pro-
‘ bably will not very easily be brought to engage
‘ with us in such a treaty, especially considering that
‘ we are to be gainers, and consequently they shall
‘ be the losers.

‘ As

‘ As it may be very difficult to bring our neighbours to any treaty at all upon this head, so it will not be very easy to bring them to such terms as may be advantageous to us.

‘ But supposing, my Lord, that upon the view of subjecting our nation to their Prince, we shall not only engage them unto such a treaty, but shall likewise thereby tempt them to give us as advantageous terms as we can demand. The great and main difficulty remains, what security we shall have, or what guarantee they can give, that they shall not resume all the terms they shall have given us, when ever they shall think fit. This is not, my Lord, a bare speculation or ill grounded jealousy, for we have been thus treated by them in former times. Our privileges of *post nati* were as great and as well secured as any we can obtain by any treaty of *communication of trade* whatsoever, and yet they were all swept off by an *English* deed, viz. the *act of navigation*: And as on the other hand, by their power so far transcendent to ours, they can by an open injury defeat this our *communication of trade*; so upon the other hand, their influence upon our Prince and ministry is so plain and so powerful, that we can never expect a remedy.

‘ I hope it will not be here urged, that this treaty of *communication of trade* will be sufficiently ensured to us, by inserting an article in it, by way of an irritant clause, whereby it shall be declared, that since we subject our selves to the same Prince with *England*, upon the express condition that we shall have a free *communication* ensured to us; that therefore when ever this privilege shall be taken from us, we shall be no more under the subjection of that Prince.

‘ For my part, my Lord, I think such a reservation will not at all amount to the consistence of a security: The breach is easily made; but when the Prince is on the throne, we may bid farewell to reparati-

on. It is true, my Lord, when private persons enter into contracts under irritant clauses, the civil Judge interposes his authority, and compels the party who violates the contract, though he be stronger, to do justice to the other who is weaker: But in this case, my Lord, there is no such appeal; our King, who is the only judge we can appeal to, is already inevitably predetermined in the event I point at, by having given his royal assent in his Parliament of *England*, to an *act of navigation*, which will upon the matter rescind all the privileges we can expect in a *communication of trade*, and so he is precluded from giving us reparation.

Upon the whole matter, my Lord, it appears plain to me, that we can never secure to our selves any benefit, which shall derogate from the benefit of our neighbours, so long as that benefit does depend upon a deed, which may be rescinded by any other separate deed of our neighbours, unless we shall at the same time be possessed of some deed, right, or privilege of our own, which we shall retain separately, and simply in the possession of our own Prince and Parliament; which privilege must be of that nature as may resolve into some contradistinct interest of our neighbours, to the effect it may be made use of by us, in supplement of that communication of trade, which (in the case above-mentioned) I suppose shall have been imperiously robbed from us by our neighbours.

For example, my Lord, if we were possessed of an act, lodging the power of peace and war in the hands of our Prince and Parliament, our neighbours of *England* must either be obliged and overawed to continue to us our communication of trade, thereby to engage us in their quarrel: Or otherwise, if they should rob us in our communication of trade, we shall stand neuters in the war, and shall thereby reap a vast advantage.

This,

‘ This, my Lord Chancellor, can never be done,
‘ unless we secure our selves by such conditions of
‘ government within our selves, as shall neither depend
‘ upon a direct separate deed of our neighbours in
‘ their own counsels, nor shall depend upon their in-
‘ direct and irresistible influence upon our councils.

‘ My Lord, I am so anxious to have this commu-
‘ nication of trade accomplished, and to have it en-
‘ sured to us beyond the reach of our powerful neigh-
‘ bours, that I wish this honourable house would im-
‘ brace this happy opportunity of falling upon some
‘ such expedients, as would satisfy so valuable a
‘ project.

‘ My Lord, I have heard and considered a proposal
‘ offered by an honourable Peer, which I think de-
‘ signs a very fair capitulation for the security of this
‘ commerce; it does in very short express terms, point
‘ out such conditions of government, which being
‘ most seasonably enacted in this session of Parliament,
‘ shall serve as an absolute security and pledge in our
‘ own hands, for obtaining that valuable communi-
‘ cation of trade, and for preserving it, when we
‘ have obtained it.

‘ My Lord, I think the objections that are made a-
‘ gainst the generality of the terms of it, are so fully
‘ answered, that I need say little upon that head. It’s
‘ true my Lord, it points at many things; but they
‘ are all so good, that I think none of them can be
‘ omitted. It points at the security of the honour and
‘ independency, religion, liberty, and trade of this
‘ kingdom.

‘ I suppose, my Lord, it is plain to all this house
‘ by several late woeful instances, that all these have
‘ been attackt, and particularly our trade, and if a
‘ capitulation shall be made in this act, that such
‘ settlements and securities as it points at, shall be
‘ enacted in this Parliament, I shall not despair,
‘ my Lord, that before next session of Parliament,

‘ this valuable communication of trade shall be ready
‘ for the vote of the house.

‘ I find, my Lord, that there are some oblique in-
‘ sinuations made against the generality of this clause,
‘ as if it might point out something by name of li-
‘ mitations, that might be dishonourable to the crown,
‘ or encroaching upon the prerogative.

‘ In the first place, my Lord, (as I have said al-
‘ ready) let the articles of the clause be never so
‘ general, they point out nothing but what is plainly
‘ good in itself.

‘ In the next place, if under the shelter of a good
‘ and well-meaning article, any thing shall be after-
‘ wards brought in, which does not answer so good
‘ a meaning, the house is not concluded by this ge-
‘ neral clause; let them throw out any such imperti-
‘ nent overture, when it shall come afterwards to be
‘ made.

‘ For my own part, my Lord Chancellor, I have
‘ always had that deference for the prerogative, that
‘ I have ever considered, that the power of the peo-
‘ ple is both safely, usefully, and conveniently lodged,
‘ when it is in the hands of the Prince; but this is
‘ not our case, my Lord, for there’s no man within
‘ this house but must see, that we are not here
‘ struggling with our Prince, whether he shall have
‘ the power, or we shall have the power: The plain
‘ case at present is, whether the Parliament of *Eng-*
‘ *land* shall have the power of our Prince, and our
‘ Parliament lodged in their hand, or whether we
‘ shall assume such a reasonable share of our own
‘ power, as may enable our Prince and us to with-
‘ stand the masterful dictates of an *English* Parlia-
‘ ment, and as may enable our Prince and us, to bring
‘ the *English* nation to grant us a free communicati-
‘ on of trade, and may secure to us the possession of
‘ it when we have got it.

‘ I can see very plainly, my Lord, that this pro-
‘ posal of a *communication of trade*, is patronized
‘ by

‘ by two sorts of people ; the one are such as have
‘ a true sense of the advantage the nation would
‘ reap by it, and these do shew themselves disposed
‘ and ready, to enter into such clauses as may most ef-
‘ fectually secure that purchase in all events. The
‘ other are such as seem to me to have no regard for
‘ the thing, seeing they push it in naked and disarmed,
‘ after they had stripped off its security.

‘ My Lord, I shall not insist any longer upon this
‘ matter ; I hope this honourable house is sufficiently
‘ convinced, of the vast advantage this nation will
‘ have by the communication of trade ; and that
‘ this communication of trade can never be secured
‘ to us by any treaty whatsoever, unless we shall be
‘ possess of such handles within our selves, independent
‘ of our neighbours, as may secure that valuable
‘ purchase, or any thing else, which may contribute
‘ to raise the power of our Princes and interest of our
‘ subjects, in contradistinction to that over-topping
‘ power, which the Parliament of *England* hath over
‘ both.

‘ And therefore, my Lord, I second the motion for
‘ securing the communication of trade, by adjoining
‘ it to the general clause.

On the 30th the Parliament sat again, and agreed,
that after the death of her Majesty and the heirs of
her body, the Parliament and Privy-council should
govern the nation, till the successor be agreed on ;
and that it should be high-treason to offer the coro-
nation oath to any, but such as should be nominated
and declared by the Parliament.

The *Scotch* Parliament, after some adjournment, having fate on the 7th of *August*, Mr. *Fletcher* of *Saltoun* made the following speech upon that occasion.

Mr. *Fletcher's* speech about adjourning the Parliament.

My Lord Chancellor,

‘ T IS often said in this house, that Parliaments,
 ‘ and especially long sessions of Parliament,
 ‘ are a heavy tax and burden to this nation: I suppose
 ‘ they mean as things are usually managed: Other-
 ‘ wise I shall think it a greater reflection on the wis-
 ‘ dom of the nation, and a maxim very pernicious to
 ‘ our government. But indeed in the present state
 ‘ of things they are a very great burthen to us. Our
 ‘ Parliament seldom meets in winter, when the sea-
 ‘ son of the year and our own private affairs bring us
 ‘ to town. We are call’d together for the most part
 ‘ in summer, when our country business and the
 ‘ goodness of the season make us live in town with
 ‘ regret. Our Parliaments are sitting both in seed-
 ‘ time and harvest, and we are made to toil the whole
 ‘ year. We meet one day in three; tho’ no reason
 ‘ can be given why we should not meet every day,
 ‘ unless such a one, as I am unwilling to name, lest
 ‘ thereby occasion should be taken to mention it
 ‘ elsewhere to the reproach of the nation. The ex-
 ‘ pences of our Commissioners are now become
 ‘ greater than those of our Kings formerly were:
 ‘ And a great part of the money is laid out upon
 ‘ equipage and other things of foreign manufacture,
 ‘ to the great damage of the kingdom. We meet
 ‘ in this place in the afternoon, after a great din-
 ‘ ner, which I think is not the time of doing busi-
 ‘ ness; and are in such confusion after the candles
 ‘ are lighted, that very often the debate of one
 ‘ single point cannot be finish’d, but must be put
 ‘ off to another day. Parliaments are forced to sub-
 ‘ mit to the conveniencies of the Lords of the ses-
 ‘ sion, and meetings of the burroughs; tho’ no good
 ‘ reason

‘ reason can be given, why either a Lord of the ses-
‘ sion, or any one deputed to the meetings of the bur-
‘ roughs, should be a member of this house; but on
‘ the contrary, experience has taught us the incon-
‘ venience of both. When members of Parliament,
‘ to perform the duty they owe to their country,
‘ have left the most important affairs, and quitted
‘ their friends many times in the utmost extremity,
‘ to be present at this place, they are told they may
‘ return again; as we were the other day call’d toge-
‘ ther only in order to be dismiss’d. We have been
‘ for several days adjourn’d in this time of harvest,
‘ when we had the most important affairs under deli-
‘ beration; that as well those, who have neither place
‘ nor pension, might grow weary of their attendance,
‘ as those, whose ill state of health makes the service
‘ of their country as dangerous, tho’ no less honour-
‘ able than if they served in the field. Do not these
‘ things shew us the necessity of those limitations, I
‘ had the honour to offer to this house? And parti-
‘ cularly of that for lodging the power of adjourn-
‘ ments in the Parliament; that for meetings of Par-
‘ liament to be in winter; that for empowering the
‘ President to give the royal assent, and ascertaining
‘ his salary; with that for excluding all Lords of the
‘ session from being members of Parliament. Could
‘ one imagine that in this Parliament, in which we
‘ have had the first opportunity of amending our con-
‘ stitution by new conditions of government, occasi-
‘ on should be given by reiterating former abuses, to
‘ convince all men of the necessity of farther limita-
‘ tions upon a successor? Or is not this rather to be
‘ attributed to a peculiar province, that those who
‘ are the great opposers of limitations, should by
‘ their conduct give the best reason for them? But I
‘ hope no member of this house will be discourag’d
‘ either by delay or opposition; because the liberties
‘ of a people are not to be maintain’d without passing
‘ through great difficulties, and that no toil and
‘ labours

‘ labours ought to be declined to preserve a nation
‘ from slavery.

This being done they proceeded on the act of security, and carried by 40 votes, a clause given in by Sir *William Hamilton* of *Whitlaw*, one of the Lords of the session, that in the *interim* between the death of the Queen and heirs of her body, and the meeting of the Parliament, such members of the Privy-Council as shall be in town, together with a certain number of the estates of Parliament (the estates being always of a greater number, and no less than 30, to be chosen by the preceding Parliament,) should take the government upon them; and voted that the Commissions of all officers of state, of the President of the council, the Commissioners of the treasury, the Lords of the exchequer, and all civil Judges, *ad bene placitum*, except Sheriffs, Bayliffs of regalities, and Stewards of stewardies, should be void at the Queen's death.

On the 10th they proceeded again on the act of security, and the Earl of *Haddington* offered a clause to be added thereunto, *viz.* That the heretors or freeholders of the country should see that their tenants, &c. And the magistrates of burroughs to see that the inhabitants be well armed, and all conveniently disciplin'd and rendezvous'd at the certain times therein mentioned, and all the officers to take the oaths of allegiance and assurance; and being put to a vote, it was carried by about 40; then the Earl Marshal presented another clause, that at the death of the Queen and heirs of her body, all officers above captains should fall, and the companies should be independent; and a vote being put, whether that or one offered by the Lord Advocate, that it should be in the power of the estates to continue or depose the said officers, should be added, it was carried to add the Earl-Marshal's. There was likewise one offered by Mr. *Fletcher*, of *Saltoun*, that all the go-

vernors of forts should cease, and the deputy governors should continue in command; and that the government of *Edinburgh* castle should be in the hands of the magistrates of *Edinburgh*, and also to name the deputy governor, but the castle of *Sterling* was excepted, the Earl of *Mar* being hereditary governor; but being late, it was defer'd this night.

On the 11th, a motion was made, that the act of security might be approved, but it was carried, delay till more clauses were added, and particularly one of rescinding the act of Parliament 1681. made in favour of the Duke of *York's* succession; the question was put, whether they should rescind the whole act, or in part, and it was carried by one vote, that it should be rescinded only so far, as it was contrary to any act of Parliament made in King *William's* reign, or in this session, wherein all popish successors were excluded from the throne.

On the 19th the Parliament had under consideration a clause offered by the Marquiss of *Tweedale*, relating to an act of Peace and War, as follows, viz.

‘ That no forces should be brought into the kingdom without consent of Parliament, except natives of that kingdom, being such as were subsisted and paid by the funds laid on by the Parliament, excepting always those of their native subjects, at present in foreign service, who were allow'd to be brought home, but immediately upon their arrival to be cashier'd, as also that no body of men should be commanded or carried out of the kingdom, unless by consent aforesaid, and that honourable terms were first made for them with the Princes or Potentates in whose service they were to be employ'd.

They voted on the 23d that the three estates, viz. Lords, Barons and Burgessees, should each of them chuse seven of their number, to inspect into the disposal and deficiency of Parliamentary funds since the revolution. They made also a resolve, that no money

money bill be brought in till the acts already passed were touched.

On the 16th of *September* the Earl of *Marchmont* gave in an overture by way of an act, declaring the Princess *Sophia* of *Hanover*, and her heirs, to have the right to that crown, after her Majesty and the heirs of her body, with certain limitations, and craved that it might be read. This occasioned a debate before reading could be obtained, and three hours were spent in debate before it could be all read, and then a vote was stated, *mark the said overture in the minutes or no*, and carried in the negative by 57 votes.

However, because some may be curious to see the purport of this bill, especially the conditions and limitations contained therein, we have here inserted the same, as follows:

Bill for the
Hanover
succession in
Scotland.

‘ **W** Hereas by the declaration of the Estates of
‘ this kingdom, containing the *claim of right*,
‘ dated the 11th of *April*, 1689, the crown and
‘ royal dignity of this realm is settled and entailed
‘ upon our Sovereign Lady the Queen (therein de-
‘ signed, the Princess *Anne* of *Denmark*) and the
‘ heirs of her body, being protestants. And where-
‘ as the settlement and entail of the sovereignty is no
‘ further determined and declared, than in the heirs
‘ of her Majesty’s body, her Majesty most seriously
‘ considering how necessary it is for the security of
‘ the protestant religion, and of the rights, laws and
‘ liberties of this kingdom, that the settlement and
‘ entail of the sovereignty, crown and royal dignity
‘ of this realm, be further determined and declared.
‘ Therefore her Majesty, with advice and consent
‘ of the estates of Parliament, statutes, ordains and
‘ enacts, that failzieing heirs of her Majesty’s body,
‘ the crown and royal dignity of this kingdom, and
‘ the dominions thereunto belonging, shall be, ap-
‘ pertain

‘ pertain, and come to the most excellent Princess
‘ *Sophia*, Electress and Dutches Dowager of *Ha-*
‘ *nover*, daughter to the most excellent Princess *Eli-*
‘ *zabeth*, formerly Queen of *Bohemia*, daughter of
‘ King *James VI.* of happy memory, formerly So-
‘ vereign Lord of this kingdom; and to the heirs
‘ of her the said Princess *Sophia*’s body, being pro-
‘ testants, and that with and under the conditions
‘ and provisions after-mentioned, and no other-
‘ wise, *viz.* That the said Princess *Sophia*, and the
‘ protestant heirs of her body respective, do accept,
‘ receive and take upon them, the sovereignty,
‘ crown and royal dignity of this kingdom, upon
‘ the terms of the *claim of right*, and of the other
‘ conditions and provisions in this act expressed; and
‘ thereupon take and swear the coronation-oath, men-
‘ tioned and set down in the twenty first act of the
‘ said meeting of estates. The which conditions and
‘ provisions are as follows:

1. ‘ That the said Princess *Sophia*, or the prote-
‘ stant heirs of her body, being accepted and re-
‘ ceived as Sovereign of this realm, shall call and
‘ hold a full and free Parliament of this kingdom,
‘ within the space of after accession to the
‘ crown.

2. ‘ That once in two years, counting from the
‘ first day appointed for the preceding Parliament’s
‘ meeting (and oftner, if the Sovereign think fit
‘ and be pleased to call it) a full and free Parliament
‘ shall be holden within this kingdom, in the most
‘ commodious place and convenient time, to be ap-
‘ pointed by the Sovereign or Commissioner for the
‘ time, with consent of the Estates of Parliament,
‘ before the end and closing of every Parliament,
‘ and by an act thereof.

3. ‘ That each and every session shall have forty
‘ free sitting days, without being sooner adjourned,
‘ except by consent of Parliament from Dyet to
‘ Dyet.

4. ‘ That

4. ' That no person shall, by vertue of being a
' Nobleman or Peer of this realm, have a vote in
' Parliament, unless he be likewise a native born
' within the kingdom, or that his father or fa-
' ther's father has been a native born within this
' kingdom, or else that he have of land estate
' by year, of rent lying in *Scotland*, reserving to such
' Peers excluded from voting in Parliament, all
' other privileges and honours to Peers of this king-
' dom belonging.

5. ' That no person have pension from the Sove-
' reign, or being a Tax-man, or a manager of the
' customs, excise, or other revenue of the crown,
' or who is an Officer or under pay in any standing
' troops or forces in the kingdom, shall be chosen
' a Commissioner to serve in Parliament either for
' stewardries or royal burroughs. And if any such
' happen to be chosen, it shall be a sufficient ob-
' jection whereupon to cast the commission.

6. ' That the chusing of all Officers of state and
' Commissioners for these offices, and the chusing of
' all Privy-Counsellors, and of the members of *Ex-
' chequer*, be done in Parliament by advice and con-
' sent of the Estates: And that the Officers of state, or
' Commissioners in these offices, shall continue in the
' places to which they are chosen for the space of
' four years, and no longer, and shall not be chosen
' again to the same places which they formerly pos-
' sessed, till after the expiring of the like four years:
' And in case of the decease of any person in these
' employments during the interval betwixt the meet-
' ings of Parliaments, that the election for supplying
' the vacancy be by the Privy-Council, the whole
' number being advertised to meet upon fifteen days
' warning, and the major part being present; which
' election is to be allowed or disallowed in the next
' session of Parliament; and the one half of the Pri-
' vy-Counsellors and members of the *Exchequer* shall
' go off from their places after two years, and the
' other

other half shall continue with these to be of new elected for other two years, and then that half which continued shall go off, that others new elected may come in their room ; and in case of the death of any Counsellor or Member of the *Exchequer* during the intervals of the meetings of Parliament, that the place of the deceased, excepting the Commissioners of the treasury, be supplied by the Privy-Council, chusing one of the same degree, that is to say, a Nobleman or a Gentleman, as the person deceased was, to be allowed or disallowed in the next session of Parliament. And for clearing the method of vacating the places in Council and *Exchequer*, that the following rules be observed, viz. That of the Peers, the last in rank, according as they are called in the rolls of Parliament, shall go first off. And of the Gentlemen, those who are last placed in the commission of Council shall go first off. And because the Dyet of going off from places in Council and *Exchequer* may happen during the intervals of meetings of Parliament : That every meeting of Parliament make election for filling of such places as by vertue of this act, are to become vacant before the day appointed for the next meeting of Parliament. And in respect the Officers of state and the President of the Council are always to be members of Council, that they go not off, but continue to be Counsellors for the whole time that they possess their offices.

7. That all other offices and places now in use, to be given during the pleasure of the sovereign, shall be given by advice or consent of Parliament, or of the Privy-Council in the intervals of Parliament, to be allowed or disallowed by the next session of Parliament, either during pleasure, or during the life of the person, unless the person be laid aside for insufficiency or malversation, by the Sovereign with consent of the three Estates.

8. That

8. ' That the places upon the session bench be
' filled up by the advice and consent of the estates
' of Parliament, and that the commissions of the or-
' dinary Lords be *ad vitam aut culpam*.

' And in reference to a free communication of
' trade, the freedom of navigation, and the liber-
' ty of the plantations now belonging, or which
' may hereafter belong to the one or the other
' Kingdom.

9. ' That the said Princess *Sophia*, or the pro-
' testant heir of her body, received and admitted to
' the sovereignty, shall be holden and obliged to do
' and use the utmost endeavours for setting on foot,
' and carrying on with all diligence, and as soon as
' conveniently can be, a treaty betwixt the Parlia-
' ments of the two kingdoms, or commissioners
' by them appointed to treat of, concert and agree
' upon such terms and conditions concerning a free
' communication of trade, the freedom of navi-
' gation, and the liberty of the plantations aforesaid,
' as may be most agreeable to the interests of both
' kingdoms, being under the government of one
' head and sovereign. And that the royal assent
' shall be given to the acts and laws made in the
' Parliament of the one or the other kingdom, for
' ratifying of, and making effectual the terms and
' conditions which shall be concerned and agreed un-
' to by treaty, upon the particulars in this article
' mentioned.

' To the which conditions of government, con-
' tained in the foregoing articles, the successor (fail-
' zing heirs of her Majesty's body) to the imperial
' crown of this kingdom, is to be obliged and
' liable: And her Majesty, with the advice and
' consent of the estates of Parliament, statutes and
' ordains, that no successor be designed, nor have
' access to the sovereignty of this kingdom (fail-
' zing heirs of her Majesty's body) until he or
' she accept the crown and government upon the
' terms

‘ terms of the *claim of right*, and of the conditions
 ‘ and provisions contained in this act, and there-
 ‘ upon take and swear the coronation oath. And
 ‘ that it shall be high-treason, not remissable, but
 ‘ with consent of Parliament, to make offer of the
 ‘ sovereignty and crown of this kingdom to any
 ‘ whomsoever, but who accepts the crown and so-
 ‘ vereignty upon the terms and conditions in this act
 ‘ appointed and expressed.

Nota, ‘ The authority and power given by this
 ‘ Parliament in the act for the security of the king-
 ‘ dom, to the meeting of the estates of Parliament,
 ‘ ordained to meet and sit in the event of the decease
 ‘ of her Majesty, or her heirs and successors, Kings
 ‘ or Queens of this realm, in reference to the nomi-
 ‘ nating and declaring the successor to the crown,
 ‘ are only in the case of her Majesty’s decease with-
 ‘ out heirs of her body, or a successor lawfully design-
 ‘ ed and appointed by her Majesty and the estates of
 ‘ Parliament, and can import no restriction nor limi-
 ‘ tation of her Majesty’s and this Parliament’s power,
 ‘ to design and appoint a successor to the crown, up-
 ‘ on what conditions they might think expedient, a-
 ‘ greeable to the claim of right.

On the 10th, his Grace the Lord High-Commis-
 sioner acquainted the Parliament, that her Majesty
 did not think fit to give the royal assent to the act
 of security, in a speech to this effect :

My Lords and Gentlemen,

‘ **I** T was with great uneasiness to me that I was
 ‘ forced to be silent yesterday, when so many did
 ‘ appear earnest that I should speak : I have all the in-
 ‘ clination in the world to give you full satisfaction ;
 ‘ but I thought that I ought not to be pressed to give
 ‘ the royal assent, or to declare my instructions in
 ‘ Parliament, which I had made known to many
 noble

L. High
 Commis-
 sioner’s
 Speech.

‘ noble and worthy members, besides the Queen’s
‘ servants.

‘ Now, that these instances are let fall, and that
‘ you have proceeded to other business, to testify
‘ how willing I am to give you contentment in any
‘ thing that’s in my power ; I tell you freely, that I
‘ have received her Majesty’s pleasure, and am fully
‘ impowered to give the royal assent to all the acts vo-
‘ ted in this session, excepting only that act, intituled,
‘ *An act for security of the kingdom*, (you may easily
‘ believe that requires her Majesty’s further consider-
‘ ation.) At the same time, her Majesty expects,
‘ that you will mind your own safety, in making ne-
‘ cessary provisions for the troops upon the present
‘ establishment, and that you will put the trade and
‘ customs on that foot, that the civil list may be sup-
‘ ported : And I entreat your Lordships to finish
‘ these as quickly as possible, that this session may
‘ be put to a speedy and happy conclusion.

On the 13th, the minutes of the last *Sederunt* were read, and it being voted that the draught of the act offered the ninth instant by the Laird of *Saltoun*, for certain limitations of a successor to the crown, failing heirs of her Majesty’s body, might be considered, it was proposed, that the Parliament might conform to their vote on the 15th past, proceed upon further overtures of trade, and thereupon the question being voted, whether the Parliament should proceed on the said act of limitations, or upon the overture for trade, it was carried, that they should proceed on the overtures for trade. The act allowing the importation of all wines and foreign liquors read, and after a long debate, the question was stated, Approve the first clause allowing the importation of all sorts of wines and other foreign liquors, or not ; but before voting, the Marquis of *Tweeddale* protested for himself, and in the name and behalf of such as would adhere to his protestation,
that

that this act allowing the importation of *French* wines and brandy ought not to pass, as being dishonourable to her Majesty, inconsistent with the grand alliance wherein she was engaged, and prejudicial to the honour, safety, interest and trade of that kingdom, and therefore desired his protestation might be marked, and inserted in the records of Parliament, and thereupon ask'd instruments: To which protestation adhered his grace the Duke of *Hamilton*, and the Marquiss of *Montross*, the Earls of *Errol*, *Marischall*, *Rothes*, *Home*, *Strathmore*, *Roxburgh*, *Haddington*, *Selkirk* and *Ruglen*, the Viscount of *Stor- mont*, the Lords *Semple*, *Blantire*, *Forrester*, *Bergeny*, *Elibank*, *Bellhaven*, *Colvill* and *Kinnard*, *Robert Dundas* of *Armstown*, *Sir Robert Dickson* of *Innerask*, *George Lockhart* of *Carnwath*, *Andrew Fletcher* of *Saltown*, *William Nisbet* of *Dirltown*, *John Cockburn*, Jun. of *Ormestown*, *Sir Robert Sinclair* of *Long Formacus*, *Sir John Home* of *Blackader*, *Sir John Swinton* of that *Ilk*, *Sir Patrick Home* of *Rentown*, *Sir William Ker* of *Greenhead*, *William Bennet* of *Giubet*, *William Bailie* of *Lamingtown*, *George Bailie* of *Ferriswood*, *John Sinclair*, Jun. of *Stevenstown*, *James Hamilton* of *Aikenhead*, *Mr. W. Cochran* of *Kilmaronock*, *Sir Humphry Calquhoun* of *Luss*, *Sir John Houstoun* of that *Ilk*, *John Graham* of *Calledin*, *James Graham* of *Bucklayvy*, *Robert Roll* of *Powhouse*, *Thomas Sharp* of *Houstoun*, *John Hadden* of *Glenegles*, *Sir Patrick Murray* of *Auchtertyre*, *William Olephant* of *Gase*, *Mungo Graham* of *Garthie*, *Sir Thomas Burnet* of *Leyes*, *Alexander Gordon* of *Pitlurg*, *John Udney* of that *Ilk*, *William Seaton* of *Pittmedden*, *James More* of *Stonywood*, *Lodovic Grant* of that *Ilk*, *Hugh Ross* of *Kilravock*, *Sir William Anthruster* of that *Ilk*, *David Beaton* of *Balfour*, *Major Henry Balfour* of *Dunboig*, *Robert Douglas* of *Strathenry*, *Mr. Patrick Lyon* of *Auchterhouse*, *James Halyburtoun* of *Pitcurr*, *David Graham* of *Fintry*, *Alexander Duff* of *Braco*, *James Brody* of that *Ilk*,

Robert Dunbarr of Granghill, and John Bruce of Kinross, Commissioners for shires; Alexander Robertson, Alexander Watson, Alexander Edgar, James Oswald, Patrick Bruce, Sir John Anstruther, Sir John Areskin, James Spitle, Francis Molison, Sir James Hacket, George Smith, Robert Kelly, Mr. John Lyons, George Brody, Sir Robert Anstruther, John Carruthers, George Hume, Mr. James Beauthun, John Baine, Mr. Alexander Arbuthnot, Commissioners for Burghs. Then the vote was ask'd, approve the clause or not? And carried in the affirmative.

Union quite
dissolv'd.

About the same time the Parliament order'd an account of the progress of the Commissioners in their treaty of union with *England* to be laid before them next *Sederunt*, and resolved, that the commission for the said treaty was expired, and that no new one be granted without consent of Parliament.

At length came on the 16th of *September*, which put a period to this long session, at what time the following Acts received the royal assent, *viz.*

Scotch acts
signed.

Act for securing the true protestant religion, and presbyterian Government.

Act ratifying the turning the meeting of the estates into a Parliament.

Act anent leeing-makers and slanderers.

Act for proving the tenor in favour of Anna Cockburn.

Act anent peace and war.

Act anent the publick accompts.

Act anent Butchers.

Act in favour of the company trading to Africa and the Indies.

Act discharging the importation of Irish victual.

Act continuing the prohibition of exporting English and Irish wool till next session of Parliament inclusive.

Act

Act in favour of William Montgomery and George Lind, for a manufacture of lame, purslaine and earthen-ware.

Act allowing the importation of wines, and other foreign liquors.

After which his grace the Duke of *Queensbury*, her Majesty's high Commissioner, made a speech to the Parliament, as follows:

My Lords and Gentlemen,

‘ **W** E have now pass'd several good acts for High Comm-
missioner's
speech
 ‘ our religion, liberty and trade, which I
 ‘ hope will be acceptable to all her Majesty's good
 ‘ subjects; I wish you had also given the supplies
 ‘ necessary for the maintaining of her Majesty's
 ‘ forces, and preserving the peace and safety of the
 ‘ kingdom; but since, I hope, this may be yet done
 ‘ in due time, and that besides some questions and
 ‘ difficulties are fallen out, that, in all probability, you
 ‘ can have no time to determine; and that withal, it
 ‘ is fit her Majesty should have time to consider
 ‘ upon such things as have been laid before her;
 ‘ and that we may know her mind therein more per-
 ‘ fectly, a short recess appears at present to be ne-
 ‘ cessary, and that this Parliament be adjourned for
 ‘ some time: And therefore I have order'd my Lord
 ‘ Chancellor to adjourn this Parliament until the 12th
 ‘ day of *October* next.’

Then the Lord-Chancellor, by his grace's order, adjourn'd the Parliament till *Tuesday* the 12th of *October* next.

APPENDIX.

LORDS PROTESTS.

Die Martis 18^o Decembris, 1694.

Frequent
Parliaments
bill.

HODIE 3^a vice lecta est billa, entituled, An act for the frequent meeting and calling of Parliaments.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Leave being asked and given for any Lord to dissent, we do dissent from this vote, because it tendeth to the continuance of this present Parliament longer than, as we apprehend, is agreeable to the constitution of *England*; besides the ill consequences which, in many respects, may attend it.

*Devonshire,
Weymouth,*

Aylesbury,

Halifax.

Die Sabbati 19^o Januarii, 1694.

Wilful per-
jury felony
in some cases.

The amendments made by the Committee to the bill, entituled, *An act for making wilful and corrupt perjury, in certain cases, to be felony*, were read the second time, and agreed to.

And after debate,

Bill not to be
engrossed.

The question was put, whether this bill shall be engrossed?

It was resolved in the negative.

These

These Lords following do dissent for this reason, because it has appeared by too many instances, not only in former times, but also very lately, how great need there is of such a bill as this, to deter men from those pernicious crimes of perjury and subornation.

<i>Bolton,</i>	<i>N. Cestriens',</i>	<i>Culpeper,</i>
<i>Oxford,</i>	<i>Leeds, P.</i>	<i>Devonshire,</i>
<i>Normanby,</i>	<i>Somerset,</i>	

Die Martis 16^o Martii, 1694.

The Heralds being this day heard at the bar (pursuant to the order of the 16th instant) in relation to descents of baronies by writ;

Descents of
baronies by
writ.

After debate,

This question was put, whether if a person summoned to a Parliament by writ, and sitting, die, leaving issue two or more daughters, who all die, one of them only leaving issue, such issue has a right to demand a summons to Parliament?

It was resolved in the affirmative.

The Lords following do dissent for these reasons:

1st, Because, we conceive, it is more suitable to the methods of all courts of justice, and therefore particularly more proper for the supreme court to give Judgment in particular cases, when they are brought to be tried before them, than to make a general rule, which possibly may not comprehend all future accidents, and may be liable to many great inconveniences that cannot now be foreseen, and which, in its nature, seems to be a matter fitter to be provided for by a law than a judgment.

2^{dly}, Because there were several precedents offered to be produced, to shew that the practice, upon several occasions, had been directly contrary to this rule, and because the Heralds, who, we

conceive, disproved the printed precedents, were not allowed time to produce precedents, to shew where baronies descending to several daughters were extinguished, and new creations of those titles given to others.

3dly, Because, we conceive, this general rule now made is in opposition to a judgment solemnly given by this house, upon hearing Council on all sides, in a particular case lately referred by the King; and is grounded on a bare motion made by some Lords, who, we conceive, were no ways concerned in that judgment.

4thly, Because the last rule does likewise seem to us to be repugnant to the judgment of this house, in the case between the Earl of *Oxford* and Lord *Willoughby* of *Eresby*, then referred to this house by King *Charles* I. and by their Lordships thought fit to be referred to the consideration of the Judges, as a matter of that importance that deserved their assistance; who, upon mature deliberation, returned their opinion to their Lordships in these words, (*viz.*)

‘ As to the baronies of *Bulbeck*, *Sandford*, and
 ‘ *Bedlesmere*, our opinion is, that the same descend-
 ‘ ed to the general heirs of *John* the fourth Earl
 ‘ of *Oxford*, who had issue *John* the fifth Earl of
 ‘ *Oxford*, and three daughters; one of them mar-
 ‘ ried to the Lord *Latimer*, another to *Winckfield*,
 ‘ and another to *Knightley*: Which *John* the fifth
 ‘ Earl of *Oxford* dying without issue, those baro-
 ‘ nies descended upon the said daughters as his
 ‘ sisters and heirs, but those dignities being entire,
 ‘ and not dividable, they became incapable of the
 ‘ same, otherwise than by gift from the crown,
 ‘ and they, in strictness of law reverted unto, and
 ‘ were in the disposition of King *Henry* VIII. and
 ‘ yet nevertheless, we find that four several Earls of
 ‘ *Oxford* successively, after that descent to three
 ‘ daughters, as heirs males of the said Earldom,
 ‘ assumed

‘ assumed and took upon them those honours and
 ‘ titles in their writings, leases and conveyances ;
 ‘ and their eldest sons have been stiled, in the life-
 ‘ time of their fathers, by the name and title of
 ‘ Lord Viscount *Bulbeck*, and so reputed to be, and
 ‘ the house did vote that the baronies were in his
 ‘ Majesty’s disposition, and, in their report to the
 ‘ King, did declare, that for the baronies, they were
 ‘ wholly in his Majesty’s hand to dispose at his
 ‘ own pleasure.’

5thly, Because, we conceive, that it is not in the
 power of this house, either to explain or repeal an
 act of Parliament, though a private act, in a judi-
 cial manner, but only in our legislative capacity ;
 and there being an act passed in 15 *Charles II.*
Nº. 15. for settling the Lands of the Earl of *Kent*,
 which disposes of the barony of *Lucas of Crudwell*,
 and declares the King’s power to dispose of the ba-
 rony, when more than one female heir, to whom,
 or to which he pleases, or to hold in suspense, or to
 extinguish the same ; we cannot but think this vote
 is in direct opposition to that act.

<i>Norfolk and Marshal,</i>	<i>J. Bridgewater,</i>	<i>Brooke,</i>
<i>Herbert,</i>	<i>Rockester,</i>	<i>Scarborough.</i>
<i>Stamford,</i>	<i>Torrington,</i>	

Die Jovis 9º Januarii, 1695.

The house proceeded upon consideration of the
 amendments made to the bill for regulating of the
 coinage, to which the Commons disagreed. Bill to regu-
late coinage.

A clause agreed by the Lords, to be added to
 the said bill, that the deficiencies of clipped or di-
 minished money may be ascertained and known,
 in order to the making them good at the publick
 charge, was read.

And after debate thereupon,

The question was put, whether to insist upon the said clause?

It was resolved in the negative.

Dissentient

Because, we conceive, that tho' in the bill for new regulating the coin of this kingdom, the Commons have taken care to make good the deficiencies of such clipped monies only, as were to be paid to the King on the account of his Majesty's revenues or taxes, it was agreeable to common equity and honesty, that provision should be made to supply the deficiencies of all other clipped monies whatsoever, that were to pass in payments among the subjects of this kingdom; and therefore we could not consent to the leaving out this clause that had been added to the bill by the Lords, which had so impartially taken care of the benefit and advantage of the subject in general, so much for the honour and justice of *the house of Peers*.

Rochester, Kingston, H. London.
Marlborough, Clifford,

Another clause disagreed to by the Commons, that after the second of *February*, 1695, until the end of the next Session, it should be lawful to export any coined money, without paying any customs or duties for the same, making due entries thereof, as for other merchandize, was read. And

The question being put, whether to insist upon the said clause?

It was resolved in the negative.

Dissentient

Because we conceive it inconsistent with the rules of common prudence, when the bill for new regulating the coin of this kingdom provides, that all the clipped money should be recoinced up to the old standard of the Mint, there should not be a liberty granted by law to export the coin of this kingdom, whilst

whilst the occasion lasts of supporting so great an expence for the armies abroad ; and so long as the exportation of bullion is premitted, and that of coin prohibited, it seems to us undeniable, that the coin must be melted down again into bullion, which, we conceive, will be more prejudicial to the nation, and not so easily to be drawn back by a ballance of trade, as if that wealth were preserved in the coin of this kingdom.

Rochester,

Marlborough.

Die Veneris 17° Januarii, 1695.

The house took into consideration the petition of Sir Richard Verney, Knt. presented to his Majesty, praying a writ of summons to Parliament, and his Majesty's reference thereupon to this house.

Sir Richard Verney to be heard on his petition for a writ of summons.

And after some time spent in debate,

The question was put, whether the petitioner, Sir Richard Verney, shall be heard at the bar by his Council upon his petition ?

Contents 47
Not Cont. 20

It was resolved in the affirmative.

Leave having been asked and given to any Lord to protest, if the question should be carried in the affirmative, we whose names are underwritten do protest, for the reasons following :

1st, Because, as it seems to us, the petitioner's case has been already heard and adjudged in this house, upon his former petition, whereby he claimed to have a writ of summons to Parliament, from the same ancestor, by the same pedigree, and under the same writ of summons, by which he makes his claim in this petition.

2^{dly}, Because the judgment given by this house, upon Sir Richard Verney's former petition, was not, that he had no right to a writ of summons, by the

the name of Lord *Broke*, but generally, that he had no right to a writ of summons upon his case, as stated in his petition.

3dly, Because, we conceive, it may tend infinitely to prejudice the judicature of this house, and to weaken the security that all subjects have, by the judgments of this great court, if the Lords shall permit judgments once given in so solemn a manner, to be review'd.

<i>Somerset.</i>	<i>Bolton.</i>	<i>Manchester.</i>
<i>Bradford.</i>	<i>Culpeper.</i>	<i>Stamford.</i>
<i>J. Bridgewater.</i>	<i>Devonshire.</i>	<i>Suffolke.</i>
<i>Monmouth.</i>	<i>Macclesfield.</i>	

Die Veneris 24^o Januarii, 1695.

Bill to prevent double returns of members.

Hodie 3^a vice lecta est Billa, entituled, an act to prevent false and double returns of members to serve in Parliament.

Contents 27 The question was put, whether this
Not Cont. 20 bill shall pass?

It was resolved in the affirmative.

Leave having been asked and given to any Lords to protest, if the question should be carried in the affirmative, we whose names are underwritten do protest, for the reasons following:

By reason of a clause in this bill, which enacts in these words following,

‘ In case that any person or persons shall return
‘ any member to serve in Parliament for any coun-
‘ ty, city, borough, cinque-port or place, contra-
‘ ry to the last determination in *the house of Com-*
‘ *mons*, of the right of election in such county,
‘ city, borough, cinque-port or place, that such
‘ return so made, shall, and is hereby adjudged to
‘ be a false return.” To which we cannot agree,
because, we conceive, that the confirming, by act
of Parliament, the proceedings in another place,
which

which have never been examined here, is derogatory to the dignity, and inconsistent with the justice of *the house of Peers*. And,

Because the enacting, that the last determination of *the house of Commons*, in the case of returns of members to sit in that house, shall be made the rule for the future, seems to us, to erect a court of judicature there, which, by the constitution of the government, and the constant practice of all ages to this day, hath never yet been allowed in *the house of Commons*, and may contribute to the introducing of evil precedents, and be of dangerous consequence hereafter.

Rocheſter.

Bathe.

R. Ferrers.

Granville.

Jeffreys.

Tho' Meneven'.

Die Jovis 13^o Februarii, 1695.

Council were this day heard upon the petition of Sir Richard Verney, Knt. praying a writ of summons to Parliament, as also his Majesty's council. *Sir Richard Verney to have a writ of summons.*

And consideration and debate had thereof.

The question was put, whether by what hath been made appear to this house, the petitioner, Sir Richard Verney, hath a right to a writ of summons to Parliament, by the name and title of *Willoughby de Broke*?

It was resolved in the affirmative.

From which the Lords, whose names are underwritten, do dissent, for the reasons following:

1st, Because it is apparent, by the ancient journals of *the Lords house*, that Sir Robert Willoughby, the petitioner's ancestor, and his son and grandson, sat in the house by the name of Lords *Broke*, and never by Lord *Willoughby de Broke*.

2^{dly}, We conceive, no Lord, whose ancestors were called to *the Lords house*, by writ of summons, can claim a writ by descent from those ancestors,

to sit in the house by any other name than those ancestors sat by.

3dly, The house having, in the last Parliament, adjudged that the petitioner had no right to a writ of summons to Parliament, when he petitioned to be summoned as Lord *Broke*, we conceive he can sit by no title at all.

J. Bridgewater.

Stamford.

Bradford.

Somerset.

Culpeper.

Die Martis 7^o Aprilis, 1696.

Bill against
wearing
wrought
silks, &c.
council to
be heard.

Report was made from the Committee of the whole house, upon the bill to restrain the wearing of all wrought silks or stained callicoes imported, of the manufacture of *Persia* and the *East-Indies*, that they had heard council for and against the bill.

Ordered, that the house be put into a Committee again upon the said bill on *Thursday* next.

The question was put, whether council and witnesses shall be heard to-morrow, upon the subject-matter of this bill?

It was resolved in the affirmative.

Leave having been asked and given for any Lords to dissent, if the question was carried in the affirmative, we whose names are underwritten do dissent, for the reasons following :

1st, Because it was never known, that where a bill was once referr'd to a Committee of the whole house, the house did hear council and examine witnesses to any part of the bill so committed, or when that Committee was still subsisting.

2dly, Because, we conceive, such proceedings may occasion severe reflections upon the honour of this house, and may be of fatal consequence, by inverting the laws and customs of Parliament, upon which our constitution depends.

Bolton.

Stamford.

Die

Die Sabbati 23^o Januarii, 1696.

The order being read for taking into consideration the second reading to the bill, entituled, *An act for the further regulating elections of members to serve in Parliament.* Bill for regulating of elections.

And several petitions against the said bill being also read,

After debate,

The question was put, whether this Bill shall be read a second time?

Contents 37
Not Cont. 62

It was resolved in the negative.

Dissentient

Because this bill did provide, that none but natural born subjects of *England*, and men of estates, should be capable of being chosen to serve in Parliament, which we conceive most agreeable to the constitution and true interest of this kingdom.

<i>Feversham.</i>	<i>Cholmondeley.</i>	<i>Sandwich.</i>
<i>Nottingham.</i>	<i>Bathe.</i>	<i>Weymouth.</i>
<i>Dartmouth.</i>	<i>Tho' Roffen.'</i>	<i>Halifax.</i>
<i>Thanet.</i>	<i>Jeffreys.</i>	<i>Normanby.</i>
<i>Granville.</i>	<i>Tho' Menev'.</i>	

Die Mercurii 15^o Junii, 1698.

A conference was had with the Commons on the subject-matter of the Lords message of the eighth instant, declaring they will proceed to the trial of *Goudet* and others at the bar of the house; and report being made of what was offered by the Commons, Goudet and others trial at the bar.

The question was put, whether this house shall insist upon their declaration above-mentioned?

It was resolved in the affirmative.

Dissentient

1st, Because

1st, Because the managers of *the house of Commons* may have occasion, in trials upon impeachment, to have recourse to papers, books, and records, which they cannot so conveniently make use of in a croud.

2^{dly}, It seems as reasonable, that some provision should be made for their convenience, and to protect them from the croud at the bar of this house, as in *Westminster-Hall*; the judicature of this house, receiving no alteration by the place to which they adjourn; nor could the Lords think so, when even upon the desire of the Commons themselves in the Earl of *Strafford's* case, being offered all imaginable convenience at the bar of this house, and finding themselves streightened thereby, the Lords appointed the trial to be in *Westminster-Hall*, on that consideration, as we conceive.

3^{dly}, The noblest part of their Lordships judicature may not only hereby be lost, but what has been hitherto thought one of the greatest securities against attempts upon the constitution, but such a discouragement of the Commons from bringing up impeachments to the bar of this house, will be very much weakened.

Devonshire.

Stamford.

Haverham.

Die Veneris 1^o Julii, 1698.

Bill for settling the East-India trade to be read a 2^d time.

After hearing council for and against the bill, entitled, *An act for raising a sum, not exceeding two millions, upon a fund for payment of annuities after the rate of eight pounds per cent per annum, and for settling the trade to the East-Indies*, And debate

Contents	47	} 65
Proxies	18	
Not Cont.	28	} 48
Proxies	20	

thereupon, the question was put, whether this bill shall be read a second time?

It was resolved in the affirmative.

Dissentient

1st, Because this bill puts an unreasonable hardship upon the present *East-India* company, since it plainly appeared at the bar of this house, that a security, of which (we conceive) there was no reason to doubt, had been offered by the said company for raising the whole two millions for the publick service; whereas the bill investing the new subscribers with the trade upon the subscription of one million only, does not, as we conceive, give so much as a probability of raising more; and it may be reasonably enough doubted, whether the separate trade allowed in this bill, concurrent with a joint-stock, may not prove so inconsistent as to discourage the subscription for ever coming near to the said million.

2^{dly}, Because the bill puts a period to the charter of the *East-India* company, and gives the whole trade thither to other persons, without so much as suggesting that the said charter, or the trade carried on by virtue of it, hath been prejudicial to the King or kingdom, though the said company have an express clause in their charter, that it shall not be determined without three years warning, even if it should appear not profitable to the King or this realm; and the bill granting likewise a supply of two millions, in which the Commons pretended *the House of Lords* ought not to make any alteration, we are of opinion their Lordships are thereby likewise deprived of the freedom of their vote in the matter of the *East-India* trade, to which it cannot be denied but they have an equal right with the Commons, and yet by its being joined to a bill of supply, this house must either be the occasion of disappointing so large and necessary a grant for the publick service, or be put upon the unreasonable hardship of consenting to a matter which, tho' it seems never so unjust, it is fruitless for them to examine, if their amendments are not to be admitted, because offered to a money-bill; which we humbly conceive to be a manifest violation of the rights of
this

this house, and tending to an alteration of the constitution of the government.

<i>Halifax.</i>	<i>Rochester.</i>	<i>Audley.</i>
<i>H. London.</i>	<i>Tho. Roffen'.</i>	<i>Granville.</i>
<i>Willoughby.</i>	<i>Howard.</i>	<i>Peterborow.</i>
<i>Jeffreys.</i>	<i>Denbigh.</i>	<i>Dartmouth.</i>
<i>Berkeley of Berkeley.</i>	<i>E. Gloucester.</i>	<i>Berkeley.</i>
<i>P. Winchester.</i>	<i>Scarsdale.</i>	<i>Anglesey.</i>
<i>Torrington.</i>	<i>Godolphin.</i>	<i>Guilford.</i>

Die Jovis 27° Aprilis, 1699.

Bill for
granting
an aid to
his Majesty,
for disband-
ing the
army, &c.

Hodie 3° vice lecta est billa, entituled, an act for granting to his Majesty the sum of one million, eighty-four thousand and fifteen pounds, one shilling and eleven pence three farthings for disbanding the army, providing for the navy, and for other necessary occasions.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Dissentient'

Because of the clause at the latter end of the bill, which constitutes commissioners for enquiring into, and taking an account of all such estates real and personal, within the kingdom of *Ireland*, as have been forfeited for high-treason by any person whatsoever during the late rebellion within that kingdom; which, we conceive, was a matter foreign to this bill, and more proper for a bill by itself, and that the tacking of a clause of that nature is contrary to the ancient method of proceedings in Parliament, and on that account, as we apprehend, may be of ill consequence to the freedom of debate in either house, and highly prejudicial to the privileges of the Peers and the prerogative of the crown.

Anglesey.

<i>Anglesey.</i>	<i>Raby.</i>	<i>Rochester.</i>
<i>Jo. Oxon'.</i>	<i>Haversham.</i>	<i>Cholmondeley.</i>
<i>Suffolke.</i>	<i>Warrington.</i>	<i>Jeffreys.</i>

Die Martis 23° Januarii, 1699.

After hearing council at the bar to argue the errors assigned upon the writ of error depending in this house, wherein *Robert Williamson* is plaintiff, and his Majesty, by his Attorney-General, defendant, *Williamson*
against the
King; judg-
ment re-
versed.

And debate thereupon, this question was put, whether the judgment of reversal shall be reversed?

It was resolved in the affirmative.

Leave being asked and given for any Lord to dissent, these Lords, whose names are hereunto subscribed, do dissent, for the reasons following:

For that, we conceive, it did not appear, that ever any such judgment was given by the *Exchequer* before the annexing the court of *Augmentations* to the *Exchequer*.

For that since the dissolving and annexing of the said court of *Augmentations*, there hath no such judgment been given, unless in such cases which were in the cognizance of the court of *Augmentations* before it was dissolved.

That the judgments in the case of Sir *Henry Neville* and Sir *Thomas Wroth*, and others of the like nature cited, seems to be by vertue of powers of the court of *Augmentations* being annexed to the court of *Exchequer*.

That those courts were duly annexed, appears by the preamble of the statute 1 *Eliz. cap. 4.* by the Lord Chief Justice *Bromley's* case, and by the case of the Earl of *Devonshire* in *Coke's Reports*, and for that the court of *First-Fruits and Tenths* was dissolved and annexed in like manner to the *Exche-*

quer, as the court of *Augmentations* was; which powers, by that annexation, subsist in that court to this day.

<i>Lonsdale.</i>	<i>C. P. S.</i>	<i>Stamford.</i>	<i>W. Wigorn'.</i>
<i>Sarum.</i>		<i>Bergevenny.</i>	<i>Rich. Petriburg'.</i>
<i>Rivers.</i>		<i>J. Culpeper.</i>	<i>Audley.</i>
<i>Haversham.</i>			

Die Jovis 8^o Februarii, 1699.

Settlement
of the
Scotch Co-
lony at
Darien.

After reading the order of the nine and twentieth of *January* last, for resuming the adjourned debate concerning the settlement of the *Scotch* colony at *Darien*,

And long debate thereupon,

This question was proposed, That the settlement of the *Scotch* colony at *Darien* is inconsistent with the good of the plantation-trade of this kingdom.

Then the previous question was put,
Content 32 whether this question shall be now
Not Cont. 26 put?

It was resolved in the affirmative.

Dissentient'

Because, as we conceive, there has not been made appear, in this debate, any ground sufficient to determine a point of so great importance, and yet it has been refused to allow time for due information in a matter of trade, which is very obscure, and of the highest consequence to the quiet and welfare of both nations in this conjuncture.

<i>Normanby.</i>	<i>Nottingham.</i>	<i>Weymouth.</i>
<i>H. London.</i>		

Die

Die Veneris 8° Martii, 1699.

After long debate upon the evidence for and against the bill to dissolve the Duke of *Norfolk's* Marriage with the Lady *Mary Mordaunt*, and to enable him to marry again, and the subject-matter of the bill,

Bill to dissolve the Duke of *Norfolk's* Marriage.

The question was put, whether the said bill shall be read a second time?

Contents 47
Not Cont. 30

It was resolved in the affirmative.

Dissentient

1st, Because, we conceive, there was a contradiction in the evidence given at the bar, which made the validity of it suspected.

2^{dly}, And because it is without precedent, that a bill of this nature was ever brought into Parliament, where the subject-matter had not been first proceeded on in the ecclesiastical courts; and that it may be of dangerous consequence to the settlements of families, to subject the dissolution of marriages to so short and summary a way of proceeding.

Burlington.

Weymouth.

Bolton.

Rocheſter.

Vaughan.

Tho. Roſſen'.

N. Ceſtriens'.

Ja. Lincolne.

Sy. Elienſis.

Lempſter.

Halliſax.

Scarſdale.

Jonat. Exon'.

Suffex.

Thanet.

H. London.

Jeffreys.

North and Grey.

Montague.

Die Jovis 4° Aprilis, 1700.

The order being read for reſuming the debate adjourned yeſterday, upon the bill entituled, *An act for granting an aid to his Maſteſty by ſale of forfeited eſtates and intereſts in Ireland, and by a land-tax in England, for the ſeveral purpoſes therein mentioned,*

Bill for granting an aid to his Maſteſty by *Iriſh* Forfeitures and a Land-tax,

And debate thereupon,

Contents 70
Not. Cont. 23

The question was put, whether this bill shall be read a second time?

It was resolved in the affirmative.

Dissentient

Though there be nothing we more earnestly desire, and shall on all occasions, to the utmost of our power, more sincerely and heartily endeavour, than the preservation of a constant right and good understanding and agreement between *the two houses of Parliament*, as that on which the safety, welfare, and happiness of the nation, and the preservation of the wisest and noblest constitution in the world, does so much depend; yet we cannot but enter this our protestation against a second reading of this bill.

1st, Because, as we conceive, this bill does, in one part, tend very much to the alteration (if not to the destruction) of that constitution which, we believe, the supply in the other part was given to preserve.

2^{dly}, Because, we conceive, the tacking so many and different matters to a money bill is not only contrary to all the rules and methods of Parliament, but highly dangerous both to the undoubted prerogative of the crown, and right of this house; putting it, as we conceive, in the power of the Commons, to make any resolutions of their own as necessary as any supply given for the support or emergencies of state.

3^{dly}, We know not how far the just right any private subject has to his estate may be endangered by the precedent of such a bill; for if the titles so many persons have to their estates, may be determined by the Commons in a money bill without either oath or appeal, as, we conceive, in this bill they are, we cannot apprehend, how any single private subject, or minister of state, can, for the future, be safe; which must needs be a weakening the Prince's

Prince's hands, and the legal security every man now has to his estate.

*Richmond.
Haversham.
Mebun.*

*Stamford.
Bolton.
Audley.*

*Bergevenny.
Anglesey.*

Die Mercurii 10^o Aprilis, 1700.

A free conference having been had with the Commons, upon the subject-matter of the amendments made by the Lords to the bill for *granting an aid to his Majesty by sale of the forfeited estates and interests in Ireland, and by a land-tax in England, for the several purposes therein mentioned*; and report made that the Commons had used no reasons at the said free conference, but said, they had orders to return the bill, and leave it with the Lords.

Bill granting an aid to the King by sale of forfeited estates in Ireland, and by a land-tax in England passed.

Contents	40	} 43
Proxies	3	
Not Cont.	37	} 43
Proxies	6	

After debate, the question was put, whether this house will adhere to their amendments made to this bill?

Contents	32
Not Cont.	34

It was resolved in the negative. Then the question was put, whether this house will agree to the said bill without any amendment?

It was resolved in the affirmative.

We do dissent for the reasons given this day to the Commons at a conference, which reasons are as follow :

1st, Because the reasons given by the Commons against their Lordships amendments, do no way relate to the matter contained in the said amendments.

2^{dly}, Because though there be nothing in the said amendments relating to aids and supplies granted to his Majesty in Parliament, yet the Commons have thought fit to take occasion thereupon to assert a claim to the sole and intire right, not only of

granting all aids in Parliament, but that such aids are to be raised by such methods, and with such provisions as the Commons only think proper: If the said assertions were exactly true (which their Lordships cannot allow) yet it could not, with good reason, follow from thence, that the Lords may not alter, or leave out, according to their amendments, when the saving estates of innocent persons, and of such as have been outlawed after their death, makes such amendments necessary.

3^{dly}, And the Lords think it unreasonable and unjust to vest in the trustees any greater, or other estate, than was in the forfeiting person, or than the King may legally have; since thereby not only many innocent persons, who came in by descent or purchase, or other valuable considerations, might suffer equally as criminals, but 'tis possible, that men, who, with the utmost hazard of their lives have been defending the government, may forfeit as traitors: And they cannot apprehend, that by any law of this land, or by any rule of reason or justice, any person ought to be outlawed after his death, since 'tis condemning a man unheard, and allowing him no opportunity of making his innocence appear.

4^{thly}, The Lords admit the resumption of the forfeited estates in *Ireland* to be a thing necessary, by reason of the great debt due to the army and others, which they earnestly desire to see discharged, and are therefore very willing and desirous to give their consents to any reasonable bill, the Commons shall send them up to that purpose: But the Lords can by no means consent, that the Commons shall take upon them to dispose of any of the said forfeitures to any private persons, it being the sole and undoubted right of the crown to be the distributor of all bounties, and being contrary to all the laws and course of Parliaments, to give aid, supplies, or grants to any but the King only; and as the contrary

trary practice is totally new and unprecedented, so, in process of time, it may become of the last ill consequence to the publick.

5^{thly}, The Lords cannot agree to the clauses that create an incapacity in the Commissioners or managers of the excise for sitting in this Parliament, because the qualification of members to serve in Parliament is a thing (if proper to be meddled with at all) that hath been thought fit by the Commons to be in a bill by itself; and the joining together, in a money bill, things so totally foreign to the methods of raising money, and to the quantity or qualification of the sums to be raised, is wholly destructive of the freedom of debates, dangerous to the privileges of the Lords, and to the prerogative of the crown: For by this means things of the last ill consequence to the nation may be brought into money bills, and yet neither the Lords, nor the crown, be able to give their negative to them, without hazarding the publick peace and security: And it seems a great hardship to the counties and places, who chuse such members, to deprive them of their services, since they knew them to be Commissioners of excise at the time they chose them, and since the Commons admit them to be proper persons to serve either in Excise or Parliament, tho' not at the same time; so that there seems to be no other reason of distinguishing these Commissioners but what is common to all other Officers of the crown; and the question, whether such an alteration may be convenient, must needs be a doubt with the Lords, since the Commons have not been able this very session to satisfy themselves with the bill, and the considerations they have entertained upon that subject: The Lords do seriously consider the dangers and inconveniences that are likely to happen by the loss of this bill, and by the difference betwixt the two houses, and are heartily sorry for them, and desirous to avoid them by all the means they can; as does

manifestly appear by having complied and overlooked the irregularities of bills of the like nature, and, at the same time, by entering in their books, to be seen by every-body, their just sense of the wrong, and their resolutions of asserting that fundamental right, of the exercise of which there are many precedents extant in their books: But since they find, that such their kind intentions of maintaining a good correspondence with the Commons, has had no other effect but to introduce greater impositions upon them, and such as will certainly prove destructive to the ancient and excellent constitution of our government, since the Lords have no objection to the resumption, nor any design to invade the least right of the Commons, but only to defend their own, that they may transmit the government and their own rights and privileges to their posterity, in the same state and condition that they were derived down to them from their ancestors; they think themselves wholly discharged from being in the least accessory to any such dangers or inconveniences, and conceive they are sufficiently justified before God and man, notwithstanding such innovations and invasions upon our constitution and our laws as must necessarily prove the destruction of them.

Norfolke, E. M.	J. Bridgewater.	Stamford.
Mobun.	Culpeper.	Audley.
Haversham.	Howard.	Herbert.
Say and Seal.	Southampton.	Richmond.
Anglesey.	Sandwich.	Pembroke.
R. Ferrers.	Lonsdale, C. P. S.	Bolton.
Raby.	Bergevenny.	North and Grey.

Die Luna 3^o Martii, 1700.

Countess
of *Anglesey*
to bring in
a bill of se-
paration.

An account was given to the house by certain Lords appointed to visit the Countess of *Anglesey*, in order to persuade her to return to her husband, of
her

her reasons for her refusal ; and after hearing the Earl of *Anglesey* and reading the Countess's petition, and debate thereupon,

The question was put, whether the Countess of *Anglesey* shall have leave to bring in a bill for a separation for cruelty, as is prayed for in her Petition ?

It was resolved in the affirmative.

Dissentient

1st, The leave for this bill is founded upon the supposition of an utter impossibility of a reconciliation between my Lord *Anglesey* and the Countess ; which supposition (with submission) seeming to me very precarious, though it may be the consequence of such a bill, cannot, to me, be the reason for it.

2^{dly}, Marriage being looked upon in the church of *Rome* as a sacrament always and in all cases indissoluble, but by the pretended authority of the infallible Vicar, and there being, in some cases, an absolute necessity for a divorce, the *Roman* courts of judicature fearing to expose the weakness of the infallibility, contrived this trick of a separate maintenance ; which practice of theirs, I humbly conceive, such a bill would give too much countenance to.

3^{dly}, A perpetual separate maintenance, as seems intended by such a bill, is a much heavier judgment upon the Earl of *Anglesey* than divorce itself, it having all the nature of a punishment to my Lord *Anglesey*, and nothing of ease ; and is directly contrary to the very appointment and design of marriage, posterity and society being destroyed, and the publick injured thereby.

4^{thly}, No judgment in this matter (as I humbly conceive) ought to be made, or when made can be valid, but what is expressly allowed of by the evangelick law, which law, to me, seems nowhere to permit of such a perpetual separation, without an absolute divorce.

5thly, Though it cannot be doubted, but in the course of so many ages, as great domestick differences have happened between men and their wives as in the present case, yet no precedent has as yet been produced, as I know of, of any bill of the like nature.

Haversham.

Die Sabbatti 15^o Martii, 1700.

Facts as to
the treaty of
partition
stated.

The Earl of *Nottingham* reported from the Committee appointed to draw up and state the facts, as to the treaty of partition, that they had thought proper to set down such facts as appeared to them.

And the second head being read, *viz.*

That the Emperor was not a party to this treaty, though principally concerned,

The question was put, whether this paragraph shall stand?

Contents 24
Not Cont. 40

It was resolved in the negative.

Dissentient

1st, Because it is manifest by the treaty itself, that the matter of fact is true.

2dly, Because the Emperor, as we conceive, had been the most proper to have treated with on this occasion, for 'twas more prudent and safe to have treated with the Emperor to have restrained the pretensions of *France*, than with *France* to lessen the dominions of the house of *Austria*, which in its full strength, and in conjunction with the most considerable powers in *Europe*, and with the expence of more than sixty millions *Sterling*, to our share, was scarce able to withstand the arms of *France*.

3dly, But admitting that the Emperor was not the most proper to be treated with, yet to prevent the umbrage that might be taken by uniting too many dominions under one Prince, especially such a Prince as, without any additions, was formidable to all *Europe*, yet of all others the Emperor was the most improper to be left out of such a treaty, for
he

he was most concerned in it ; and our Ministers could not, or at least did not, sufficiently support his interests, or the just ballance of *Europe* ; but, on the contrary, as we are informed by one Lord who signed the treaty, it was concluded against the express desire of the Emperor.

<i>De Longueville,</i>	<i>Granville,</i>	<i>Abingdon,</i>
<i>Howard,</i>	<i>Scarsdale,</i>	<i>Normanby,</i>
<i>Thanet,</i>	<i>Jeffreys,</i>	<i>Guilford,</i>
<i>Craven,</i>	<i>Leeds,</i>	<i>Nottingham,</i>
<i>Hereford,</i>	<i>Weymouth,</i>	<i>Poulett.</i>
<i>Tho. Roffen,</i>		

Then the third head was read, viz.

Partition
treaty,
3d head.

That no Minister of *the States-General* met with the Plenipotentiaries of *England* and *France*, as were required by the powers at the making the treaty in *London*.

The question was put, whether this paragraph shall stand ?

It was resolved in the negative.

Dissentient

1st, Because the truth of this proposition is reason enough for asserting it, and it must certainly be of fatal consequence, if Ministers, without any directions by instructions in writing, shall presume to act contrary to the very commission that impowers them ; and, in this case, the assistance of the *Dutch* Ministers was the more necessary, because the Emperor was no party to this treaty, and *the States-General* are more immediately concerned, than we are, to promote his interests.

2dly, But if this treaty was concerted with the *Dutch* Ministers in one thousand six hundred ninety nine, before his Majesty's return into *England*, as was asserted by one of the Lords who signed it afterwards in *London*, then,

1. This treaty was made by those who had no authority to transact it, for the power was not granted by his Majesty till the 2d of *January* following.

2. As they acted without power, so without instructions too in writing, which never was practised in any former transactions abroad.

Lastly, We conceive, that neither of the foregoing facts ought, in reason, or according to the method of Parliament, to be ordered to be omitted, because, till the Committee had formed the address, pursuant to the order, 'twas impossible to know what use would be made of those facts; for as they might have been improperly applied, and then would have been justly rejected, so there might have been so great use made of them, and so opposite to the design of the house, in the intended address, that 'twill be improper to omit them.

Thanet,

Granville,

Howard,

Leeds,

Craven,

Jeffreys,

Tho. Roffen,

Weymouth,

Abingdon,

Hereford,

Normanby,

Nottingham.

De Longueville,

Die Martis 18^o Martii, 1700.

Treaty of
Partition.

After debate concerning the treaty of partition, it was proposed, that it appears, that the *French* King's acceptance of the will of the King of *Spain* is a manifest violation of the treaty, and humbly to advise the King, that, in all future treaties with the *French* King, his Majesty do proceed with such caution as may carry along with it a real security. After debate thereupon,

This question was put, whether the said proposal shall go to the Committee to be one of the heads for the address?

It was resolved in the affirmative.

Dissentient

Dissentient'

1st, Because it must be construed to be an approbation of the treaty, which (as we conceive) was not intended by the house.

2^{dly}, Because it is impossible to know the full meaning and extent of real security.

Nottingham,
Granville,
Normanby,

Rocheſter,
Weymouth,
Abingdon,

Guilford,
Godolphin.

Die Jovis 20^o Martii, 1700.

An addreſs to his Maſteſty touching the treaty of partition was reported and agreed to.

And the queſtion being put, whether this addreſs ſhall be communicated to *the houſe of Commons* for their concurrence?

It was reſolved in the negative.

Address touching the treaty of partition, not to be communicated to the Commons.

Contents 27
Not Cont. 45

Dissentient'

1st, Because, we conceive that the laſt claufe in the addreſs does neceſſarily imply a war, and that a very long one, by reaſon of the extent, unintelligible at leaſt to us, of a real ſecurity, and the greateſt improbability of obtaining any terms of that kind; and ſince this neceſſarily implies great ſupplies, which cannot be granted without *the houſe of Commons*, we think their concurrence, in this advice, abſolutely neceſſary, and that it is very improper for us to deſire that of the King, which, for want of ſuch concurrence of the Commons, we conceive, his Maſteſty will not think fit or prudent for him to grant.

2^{dly}, We conceive all the other parts of the addreſs very fit to be communicated to *the houſe of Commons*, for upon the ſucceſs of it depends the future happineſs of this nation; and as we cannot doubt of the readineſs of the Commons to join in any proper meaſures

measures towards it, so we think their concurrence in it would highly contribute towards the obtaining a gracious answer from his Majesty ; and we cannot but think it reasonable that the advice of the whole nation, assembled in Parliament, should be made known to his Majesty upon this occasion.

3dly, Having desired *the house of Commons* to permit Mr. Secretary *Vernon*, a Member of their house, to come to a Committee of Lords to inform them of some matters relating to this treaty ; we apprehend, that *the house of Commons* may think it extraordinary, and not suitable to the good correspondence which is highly necessary between the two houses, not to acquaint them with the things which have come to our knowledge, partly by the information of their own member.

4thly, And having been otherwise informed of some transactions, relating to this treaty, between the Earl of *Portland* and Mr. Secretary *Vernon* by Letters, of which we have not had a full account, we think it may be very useful to the publick to communicate this address to the Commons, who have better opportunity than we have had of enquiring into this matter, which seems to be yet in the dark, and which their own member may help to explain to them.

<i>Leeds,</i>	<i>Bathe,</i>	<i>H. London,</i>
<i>De Longueville,</i>	<i>Abingdon,</i>	<i>Normanby,</i>
<i>Weymouth,</i>	<i>Craven,</i>	<i>Hunsdon,</i>
<i>Jeffreys,</i>	<i>Willoughby,</i>	<i>Thanet,</i>
<i>Guilford,</i>	<i>Kent,</i>	<i>N. Duresme,</i>
<i>Tho' Roffen',</i>	<i>Carnarvon,</i>	<i>Scarsdale,</i>
<i>Poulett,</i>	<i>Nottingham,</i>	<i>Granville.</i>

Die Mercurii 16^o Aprilis, 1701.

The house being moved, that an address be made to his Majesty, that he will be pleased to pass no censure or punishment against the four noble Lords, who stand impeached of high crimes and misdemeanors, until the impeachments depending against them in this house shall be tried,

Address that no censure be passed against the four Lords impeached till they be tried.

After debate, the question was put thereupon?

Contents 49
Not Cont. 29

And it was resolved in the affirmative.

Dissentient

1st, Because, we conceive, it is contrary to the method of proceeding in Parliament, to take notice in this house of what is represented only, by some Lords, to have passed in the other.

2^{dly}, And it is not proper to address the King on a subject that is not before this house to judge of, which may engage this house in what is indecent towards his Majesty, and may be of ill consequence between the two houses.

Scarsdale.	Carnarvon.	Ormonde.
Normanby.	Tbanet.	Kent.
Townshend.	Weymouth.	Rochester.
Abingdon.	Ashburnham.	Howard.
Jonat. Exon'.	Hereford.	Poulett.
Lexington.	Granville.	Weston.
H. London.	Guilford.	Jeffreys.
Sandwich.	Willoughby.	Dartmouth.
Cholmondeley.		

Exception being taken to the beforemention'd protestation,

Last protestation to be expunged.

The protestation was read. And after debate,

The question was put, whether the first reason in the protestation shall stand?

Contents 22
Not Cont. 28

It was resolved in the negative.

Then

Then the second reason in the protestation was read. After debate,

The question was put, whether the second reason the protestation shall stand?

It was resolved in the negative.

The foregoing reasons were order'd to be expunged, but the above may be depended upon as a genuine copy.

Dissentient

Because it is the privilege of the peers to enter their dissent, and it has been the ancient practice to enter also their reasons of such dissent, of which the Lords that so protest are the most proper judges, as well knowing what arguments persuaded them to be of that opinion; and no reasons can be more proper than such as they conceive are founded upon matter of fact.

<i>Sandwich.</i>	<i>Lexington.</i>	<i>Scarsdale.</i>
<i>Carnarvon.</i>	<i>H. London.</i>	<i>Townshend.</i>
<i>Feversham.</i>	<i>Jonat. Exon'.</i>	<i>Abingdon.</i>
<i>Rocheſter.</i>	<i>Willoughby.</i>	<i>Dartmouth.</i>
<i>Weymouth.</i>	<i>Ormonde.</i>	<i>Weston.</i>
<i>Howard.</i>	<i>Normanby.</i>	<i>Guilford.</i>
<i>Granville.</i>	<i>Thanet.</i>	<i>Jeffreys.</i>
<i>Poulett.</i>		

Die Martis 3^o Junii, 1701.

Second paragraph of an answer to the Commons message, relating to the impeachments against the four Lords.

Report was made of an answer, drawn by a Committee, to be sent to the House of Commons, to their message received the 31st of May last, relating to the impeachments now depending against the four Lords.

And the first paragraph being read, was agreed to.

Then the second paragraph was read as follows, viz.

And

(And as the Lords do not controvert what right the Commons may have of impeaching in general terms, if they please, so the Lords, in whom the judicature does entirely reside, think themselves obliged to assert, that the right of determining what is a due time, in which the particular articles of impeachment ought to be exhibited, is lodged in them only.)

It being proposed that an amendment be made in this paragraph, that instead of the words, *viz.* (determining what is a due time in which the particular articles of impeachment ought to be exhibited, is lodged in them only) these words may be inserted, *viz.* (Limiting a convenient time for bringing the particular charge before them for the avoiding delay in Justice, is lodged in them.)

Contents 43
Not Cont. 27

After debate, the question was put, whether the second paragraph so amended shall stand?

It was resolved in the affirmative.

Dissentient

Because, we conceive, this assertion is new.

Normanby.	Nottingham.	Marlborough.
Oxford.	H. London.	Tho. Roffen'.
Jonat. Exon'.	Lexington.	Rochester.
Weymouth.	Plimouth.	Granville.
Jeffreys.	Guilford.	Cholmondeley.
Lindsey.	Lawarr.	Dartmouth.
Howard.	Hunsdon.	Godolphin.

Then the last paragraph was read as follows, *viz.* (The Lords hope the Commons, on their part, will be as careful not to do any thing that may tend to the interruption of the good correspondence between the houses, as the Lords shall ever be on their part; and the best way to preserve that, is for neither of the two houses to exceed those limits which the law and custom of Parliaments have already established.)

Last paragraph of the same answer.

And after debate, the question was put, whether the last paragraph shall stand?

It was resolved in the affirmative.

Dissentient

Because we know not that the law and custom of Parliaments have established any certain limits.

Normanby.	Nottingham.	Marlborough.
H. London.	Tho. Roffen ^r .	Jonat. Exon ^r .
Rochester.	Abingdon.	Weymouth.
Oxford.	Granville.	Jeffreys.
Guilford.	Lexington.	Lindsey.
Howard.	Plimouth.	Lawarr.
Dartmouth.	Hunsdon.	Godolphin.
Cholmondeley.		

Die Lunæ 9^o Junii, 1701.

Resolution
not to have
a Commit-
tee of both
houses in re-
lation to the
trials of the
impeached
Lords.

It being moved to have a conference with the Commons, to let them know, that the Lords do not agree to a Committee of both houses in relation to the trials of the impeached Lords; after debate thereupon,

This question was put, whether a Committee of this house shall be appointed to meet with a Committee of *the house of Commons*, in relation to the proceedings upon the impeachments?

It was resolved in the negative.

Dissentient

Because the Lords, in the year one thousand six hundred seventy nine, consented to a Committee of Lords and Commons, for regulating the trials of the popish Lords; and therefore the refusing to comply with the Commons in the same request at this time, will be (in our opinion) a great obstacle to the trials of the impeached Lords.

Somerset.

<i>Somerset.</i>	<i>Derby.</i>	<i>Normanby.</i>
<i>Denbigh.</i>	<i>Rocheſter.</i>	<i>Weymouth.</i>
<i>Lawarr.</i>	<i>Guilford.</i>	<i>Torrington.</i>
<i>Jonat. Exon'.</i>	<i>Carnarvon.</i>	<i>Marlborough.</i>
<i>Oxford.</i>	<i>Lexington.</i>	<i>Abingdon.</i>
<i>Peterborow.</i>	<i>Nottingham.</i>	<i>H. London.</i>
<i>Dartmouth.</i>	<i>Howard.</i>	<i>Godolphin.</i>

Die Mercurii 11° Junii, 1701.

The meſſage received yeſterday from *the houſe of Commons* was read; and after debate of the ſeveral particulars contained in it,

No Lord upon his trial to be without the bar.

This queſtion was propoſed, that no Lord of Parliament, impeached of high crimes and miſdeameors, and coming to his trial, ſhall, upon his trial, be without the bar.

Then the previous queſtion was put, whether this queſtion ſhall be now put?

It was reſolved in the affirmative.

Dissentient

Be cauſe however reaſonable this propoſition may appear to us, yet we conceive it very improper to determine it, before we have heard what the Commons can ſay upon it.

<i>Nottingham.</i>	<i>Weymouth.</i>	<i>H. London.</i>
<i>Jonat. Exon'.</i>	<i>Tbo. Roſſen'.</i>	<i>Rocheſter.</i>
<i>Abingdon.</i>	<i>Guilford.</i>	<i>Torrington.</i>

Die Sabbati 14° Junii, 1701.

A meſſage was ſent to *the houſe of Commons* by Sir John Hoſkins and Dr. Newton, to acquaint them, that upon the occaſion of their laſt meſſage yeſterday, in order to continue a good correſpondence between the two houſes, their Lordſhips did immediately appoint a Committee to ſtate the matter of the free conference, and alſo to inſpect precedents of what

Meſſage to the Commons for a ſecond free conference, before the firſt was determin'd.

has happened of the like nature ; and that the publick business may receive no interruption, the time desired by their Lordships for renewing the free conference being elapsed, their Lordships desire a present free conference in the painted chamber upon the subject-matter of the last free conference.

Dissentient

We conceive it to be improper, and not agreeable to the methods of Parliament, to send for a second free conference before the first is determined, or that there is a vote of the house passed for insisting.

<i>Denbigh.</i>	<i>Lawarr.</i>	<i>H. London.</i>
<i>Weymouth.</i>	<i>Abingdon.</i>	<i>Jonat. Exon'.</i>
<i>Carnarvon.</i>	<i>Peterborow.</i>	<i>Tho. Roffen'.</i>
<i>Dartmouth.</i>		

Resolution
not to have
a Committee
of both
houses in-
sisted on.

The house being moved to insist not to have a Committee of both houses touching the trials of the impeached Lords,

After debate thereupon, the question was put, whether this house shall insist upon their resolution of not allowing a Committee of both houses ?

It was resolved in the affirmative.

Dissentient

We conceive it be improper, and not agreeable to the methods of Parliament, to pass a vote for insisting, before the first free conference is determined ; or if it be determined, as we conceive it is not, the vote for insisting should have preceded the message for a second free conference.

<i>Abingdon.</i>	<i>Thanet.</i>	<i>Dartmouth.</i>
<i>Weymouth.</i>	<i>Lawarr.</i>	<i>Nottingham.</i>
<i>Carnarvon.</i>	<i>Peterborow.</i>	<i>H. London.</i>
<i>Jonat. Exon'.</i>		

Die Sabbati 21^o Junii, 1701.

The answer of *John Lord Haversham*, to the charge sent up against him by the Commons, having been down to that house. Lord Haversham to be declared innocent of the Commons charge, unless it be prosecuted.

It was proposed to resolve, that unless the said charge shall be prosecuted against the said Lord *Haversham*, with effect, by the Commons, before the end of this session of Parliament, the Lords will declare and adjudge him wholly innocent of the said charge.

The question was put, whether such a resolution shall be agreed to?

It was resolved in the affirmative.

Dissentient

1st, Because the justice of our judgment of acquitting the Lord *Somers* depending on our right to name a peremptory day, I do conceive that by this vote that right is violated, the Commons being by it allowed to declare when they are ready to prosecute, before any day is by us named.

2^{dly}, Because having thought fit to name a day for the impeachment of the Lord *Somers*, to be consistent to ourselves, we ought to pursue the same methods: Nor does this, being a charge only, alter the case; for what is done in matters of greater moment may safely be pursued in cases of less concern.

3^{dly}, Because, to me, there does not seem any need of farther prosecution on the Commons part in this matter, the fact and the nature of it being both fully before us.

North and Grey.

Die Lunæ 23^o Junii, 1701.

Printed
votes of the
Commons
debated, and
resolution
thereon.

The house resumed the adjourned debate upon the printed votes of *the house of Commons* of the twentieth instant.

And 'twas resolved, upon the question, that whatever ill consequences may arise, from the so long deferring the supplies for this year's service, are to be attributed to the fatal counsel of putting off the meeting of a Parliament so long, and to the unnecessary delays of *the house of Commons*.

Dissentient

Because tho', I humbly conceive, it is evident to all *Englishmen*, that nothing could be more fatal to the interest of *Europe*, to the interest of the Protestant religion, and the safety of *England*, than the so long delay of the meeting of a Parliament after the death of the King of *Spain*, yet I cannot agree to the latter part of this vote, which lays imputations of unnecessary delays to this *house of Commons*.

Peterborow.

Die Veneris 20^o Februarii, 1701.

King
James's late
wife attainted,
ed,

Hodie 3^a vice lecta est billa, entituled, An act to attaint *Mary*, late wife of the late King *James*, of high treason.

Contents 28
Not Cont. 18

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Because there was no proof of the allegations in the bill so much as offered, before the passing of it, which is a precedent that may be of dangerous consequence.

Winchelsea,

<i>Winchelsea,</i>	<i>Weymouth,</i>	<i>Dartmouth,</i>
<i>North and Grey,</i>	<i>Faversham,</i>	<i>Stawell,</i>
<i>Bradford,</i>	<i>Jeffreys,</i>	<i>De Longueville,</i>
<i>Craven,</i>	<i>Plimouth,</i>	<i>Northampton,</i>
<i>Guilford,</i>	<i>Scarsdale,</i>	<i>H. London.</i>

Die Martis 24^o Februarii, 1701.

Hodie 3^a vice lecta est billa, entitled, An act for the further security of his Majesty's person, and the succession of the crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret abettors. Bill for the further security of his Majesty's person.

After debate, the question was put, whether this bill, with the amendments, shall pass?

It was resolved in the affirmative.

Dissentient

1st, We conceive that no new oath should be imposed upon the subject, forasmuch as those established by an act made in the first year of the reign of his Majesty and the late Queen *Mary* were, together with our rights and liberties, ascertained in that act under the terms of our submission to his Majesty, and upon which his Majesty was pleased to accept the crown; and which were enacted to stand, remain, and be the law of this realm for ever; and which, we conceive, do comprehend and necessarily imply all the duty and allegiance of the subject to their lawful King.

2^{dly}, And much less should any new oath be imposed upon the Lords, with such a penalty as to lose their seats in Parliament, upon their refusing it; such a penalty being, in some measure, an intrenchment upon our constitution, and expressly contrary to the standing order of this house made the 30th day of *April, 1675.*

3^{dly}, And if such an infringement of the rights of Peers might be admitted, yet in a matter of so

great importance to all the Peers, we conceive, that injustice they should all have had notice of this matter, and been specially summoned to have attended the house upon so great an occasion; which has not been done, tho' it was moved and humbly desired on behalf of the absent Lords.

4thly, And if any further evidence of the subjects fidelity were, at this time, necessary to be required, we conceive a new oath is no such evidence, nor any additional security to the government; because those who have kept the oaths, which they have already taken, ought in justice to be esteemed good subjects; and those, who have broken them, will make no scruple of taking or breaking any others that shall be required of them: And consequently this new oath may be of dangerous and pernicious consequence to the government, by admitting such ill men, as do not fear an oath, into the greatest trusts, and who, under the specious pretence and protection of this new oath, which is to free them from suspicion, will have greater opportunities of betraying their King and their country.

5thly, If a new oath were necessary, as we conceive it is not, yet the words of this oath are so very ambiguous, and have been so very differently construed by several Lords who have declared their sense of them, that this may become a snare to mens consciences, or tend to overthrow the obligation of an oath, by allowing men liberty to take it in their own sense; whereas this, as all other oaths, ought to be taken in the sense of the imposer, which hath not been declared in this case, tho' we earnestly pressed it, and tho' it has been done in other cases of the like nature.

6thly, And, we conceive, that it necessarily follows from hence, that this oath can be no bond of union among those who do take it, nor any true mark of distinction between the friends and the enemies of this government; and therefore repugnant to the nature of a test.

Winchelsea

<i>Winchelsea,</i>	<i>Weymouth,</i>	<i>Scarsdale,</i>
<i>Denbigh,</i>	<i>Plimouth,</i>	<i>Starwell,</i>
<i>Guilford,</i>	<i>Nottingham,</i>	<i>Jeffreys.</i>
<i>Craven,</i>		

The first reason of the above protest, tho' ordered to be expung'd, may be depended upon as a genuine copy.

Die Martis 19^o January, 1702.

Upon report from the committee of the whole house on the bill to enable her Majesty to settle a revenue upon the Prince of *Denmark*, in case he survived her, that they had gone through the bill, and left out one clause which enacted, that in case of the Prince's surviving, he might be capable to be of the Privy-council, a member of this house, to enjoy any office, the grants herein mentioned, or any other, notwithstanding the act of succession in the 12th of the late King.

Clause touching the Prince of Denmark's capacity, not to be left out of the bill.

And the question being put, whether to agree with the Committee in leaving out this clause?

It was resolved in the negative.

Dissentient'

1st, We do dissent from this clause, because, we conceive, this is a bill of aid and supply; and that this clause is altogether foreign to, and different from the matter of the said bill; and that the passing of such clause is therefore unparliamentary, and tends to the destruction of the constitution of this government.

2^{dly}, Because, we conceive, that a parliamentary expedient might have been found, whereby his Royal Highness might, by an unanimous consent, have all the advantages designed him by this bill, without the Lords being obliged to depart from what we conceive to be their undoubted right.

3^{dly},

3dly, Because, we conceive, that this clause was not necessary to enable his Royal Highness to enjoy the benefit of the said grants.

4thly, Because that this clause, which pretends to capacitate his Royal Highness to enjoy his Peerage, notwithstanding the act for the further limitation of the crown, and better securing the rights and liberties of the subject, and which makes no provision for other Peers under the same circumstances, we conceive, may tend much to their prejudice.

<i>Torrington,</i>	<i>Portland,</i>	<i>Jo. Litch. and Coven.</i>
<i>Say and Seale,</i>	<i>Manchester,</i>	<i>Ossulstone.</i>
<i>Sommers,</i>	<i>Kingston,</i>	

Protestation
against the
clauses rela-
ting to the
grants.

We dissent from the clauses relating to the grants.

1st, Because the said grants are not laid before the house (tho' desired) by which we are ignorant upon what consideration the same were granted.

2dly, Because, we conceive, that the saving clauses are so far from having any relation to his Royal Highness, that if they signify any thing (without any respect to him) they prefer their payment before his.

<i>Somerset,</i>	<i>Say and Seale,</i>	<i>Radnor.</i>
<i>Devonshire,</i>	<i>W. Worcester,</i>	<i>Jo. Chichester,</i>
<i>Tho. Cantaur,</i>	<i>Rich. Petriburg,</i>	<i>Jo. Bangor,</i>
<i>Huntingdon,</i>	<i>Gi. Sarum,</i>	<i>Sunderland,</i>
<i>Oxford,</i>	<i>Rivers,</i>	<i>Tho. Wharton,</i>
<i>Bolton,</i>	<i>Lovelace,</i>	<i>Essex,</i>
<i>Mobun,</i>	<i>Townshend,</i>	<i>Poulett,</i>
<i>Bergevenny,</i>	<i>Herbert,</i>	<i>Rockingham,</i>
<i>Berkeley of Stratton,</i>	<i>Carlisle E. M.</i>	<i>Stamford.</i>
<i>Jo. Litchfield and Coven.</i>		

Die Veneris 22^o Januarii, 1702.

After hearing council upon the petition of *Robert Squire* and *John Thompson*, in relation to an appeal of the right honourable *Thomas Lord Wharton*, and the answer of his Lordship to the said petition; and debate thereupon,

Squire and Thompson's petition, in relation to Ld. Wharton's appeal, dismissed.

The question was put, whether the petition of *Robert Squire* and *John Thompson* shall be dismissed, and they ordered to answer the said appeal?

It was resolved in the affirmative.

Dissentient

First, Because, we conceive, that by this, we assume a jurisdiction in an original cause, for these reasons:

1st, Because there has been no suit between the parties in the *Exchequer*, and consequently this petition cannot be called an appeal from that court.

2^{dly}, Although there was a suit in the court of *Chancery*, yet one of the persons required to answer was not a party in that suit; and therefore, as to him, at least, it must be an original cause.

3^{dly}, Though all had been parties in the *Chancery*, yet it never was heard that an appeal lay from one court that had no suit depending in it, because there was a suit depending in another court.

Secondly, Because no court can take any cognizance of a cause, in which that court cannot make an order; but in this case, *the house of Lords* cannot make an order, because very many are concerned in this record, who are not before this house; therefore this house cannot take any cognizance of it.

Leeds.

Weymouth.

Rockester.

Townsbend.

N. Duresme.

Dartmouth.

Nottingham.

Tho. Roffen.

Jonat. Exon.

W. Carliol.

Poulett.

Die

Die Lunæ 22^o Februarii, 1702.

Bill for qualifying members of the house of Commons.

Hodie 2^a vice lecta est billa, entitled, an act for providing, that no person shall be chose members of *the house of Commons* but such as have sufficient real estates.

Then a debate arising, whether this bill shall be committed,

Contents 32 }
Proxies 7 } 39
Not Cont. 36 }
Proxies 10 } 46

The question was put, whether this bill shall be committed?

It was resolved in the negative.

Dissentient

Because the design of that bill was for hindering of foreigners, and men of little or no estate, from being capable of taxing and disposing the rights and estates of all *England*, and might have received any reasonable alterations at a Committee, which should have been judged convenient.

<i>De Longueville.</i>	<i>Scarsdale.</i>	<i>Townshend.</i>
<i>Cholmondeley.</i>	<i>Warrington.</i>	<i>Normanby, C. P. S.</i>
<i>Weymouth.</i>	<i>Lindsey, G. C.</i>	<i>Denbigh.</i>
<i>Starwell.</i>	<i>Dartmouth.</i>	<i>Kent.</i>
<i>Plimouth.</i>	<i>Lempster.</i>	<i>Poulett.</i>
<i>Sandwich.</i>	<i>Barnard.</i>	<i>Abingdon.</i>
<i>Carnarvon.</i>	<i>Nottingham.</i>	

Die Mercurii 24^o Februarii, 1702.

Resolution for printing the bill to prevent occasional conformity.

A long report was made from the Committee appointed to draw up what was offered at the free conference, upon the bill for preventing *occasional conformity*.

And it being proposed to print this report, and the said bill, with the amendments made by the Lords, and their proceedings thereupon,

The

The question was put, whether the bill entitled, *An act for preventing occasional conformity*, and the amendments made by the Lords to the said bill, and their reasons for those amendments; and the Commons reasons, and the report of the free conference thereupon, shall be printed and published?

It was resolved in the affirmative.

Dissentient

Because the printing of bills, and the proceedings on bills, was never done, and therefore is unparliamentary.

'Tis an appealing to the people, and giving them a pretence of right to examine and judge of the Parliament, which otherwise would be unlawful; and this practice may be of pernicious consequence to the peace of the kingdom, and highly derogatory to the honour and dignity of *the house of Lords*.

Lindsey, G. C.

Sandwich.

Denbigh.

Nottingham.

Dartmouth.

Weymouth.

Die Martis 21^o Martii, 1703.

Hodie 3^a vice lecta est billa, entitled, an act for raising recruits for the land forces and marines, and for dispensing with part of the act for the encouragement and increase of shipping and navigation, during the present war. Bill for raising recruits.

The question was put, whether this bill shall pass?

It was resolved in the affirmative.

Dissentient

Because there is in this bill the following clause, *viz.* (that it shall and may be lawful for the Justices of the peace of every county and riding within this realm, or any three or more of them, to raise and levy such able-bodied men, as have not any lawful calling or employment, or visible means

means for their maintainance or livelihood, to serve as soldiers, for the purposes in the bill mentioned.)

<i>Dartmouth.</i>	<i>Haversham.</i>	<i>Thanet.</i>
<i>Anglesey.</i>	<i>Nottingham.</i>	<i>Rocheſter.</i>
<i>Gower.</i>	<i>H. London.</i>	<i>Conway.</i>
<i>Torrington.</i>	<i>Guilford.</i>	<i>Geo. Bath and Wells.</i>
<i>Lempſter.</i>	<i>Crewe.</i>	<i>Abingdon.</i>
<i>Stawell.</i>	<i>Granville.</i>	<i>Poulett.</i>
<i>Gernſey.</i>		

Die Veneris 24^o Martii, 1703.

*Sir John
Macleane's
narrative
to the Earl
of Nottingham.*

After debate upon the firſt narrative made by Sir John Maclean, to the Earl of Nottingham, and ſeveral queſtions propoſed relating thereto,

This queſtion was ſtated, viz. That that part of the narrative relating to Sir John Maclean, and the papers relating to his examination, taken by the Earl of Nottingham, and laid before the Queen, the Cabinet-Council, and this houſe, are imperfect. Then,

Contents 30
Not Cont. 41

The previous queſtion was put, whether this queſtion ſhall be now put?

It was reſolved in the negative.

Dissentient

Be cauſe the main queſtion ſeems to us to be the lighteſt cenſure that can be paſſed on the account of Sir John Maclean's diſcovery laid before the Queen, the Cabinet-Council, and this houſe, by the Earl of Nottingham, which we conceive is very defective, as well in the ſubſtance of it, as in the form and manner in which it was taken: It is not writ by his own hand, nor ſo much as ſigned by him.

There is no mention made of what queſtions were put to him, or of his anſwers thereunto.

There is no notice taken of his negotiations with the Miniſters of the court of *St. Germain's*, who were

all

all acquainted with this conspiracy, as Sir *John Maclean* has given in under his own hand-writing to the Lords Committees, which he acquainted them he had told to the Earl of *Nottingham*.

This omission is of the greatest consequence, in our opinion, because the papers given in by *Ferguson* and *Lindsey* seem contrived to make it believed, that the court of *St. Germain's* have no design to disturb her Majesty's government during her reign, and that the Earl of *Middleton* does all he can to prevent conspiracies or designs against her.

Sir *John Maclean* also informed the Lords Committees of the correspondence intended to be carried on between him and the Earl of *Pertb*; as also of the correspondence to be settled by *Frazier* and *Murray*, of which he was to be informed by *Robert Murray*, and which he told the Lords of the Committee, he had acquainted the Earl of *Nottingham* of; and yet there is no notice taken of it in the said account laid before the house.

It being moved by some Lords that were against the main question, that Sir *John Maclean* should be sent for to the bar and be heard as to the particulars objected to the said account, and seconded and agreed to by other Lords that were for the question, that he should be brought to clear the matter,

The motion for sending him was waved, and the previous question insisted upon.

Somerset.

Bolton.

Sunderland.

Torrington.

Mobun.

R. Grey.

Scarborough.

Manchester.

Herbert.

Somers.

Hallifax.

Essex.

Oxford.

Gi. Sarum.

Rockingham.

Carlisle, E. M. Stamford.

T. Wharton.

Rivers.

Bergevenny.

Richmond.

Derby.

A Correct LIST of the Lords Spiritual and Temporal, together with the Knights, Citizens and Burgesſes of the PARLIAMENT, which met at Weſtminſter (by prorogation) the 9th of November, 1703.

The HOUSE of PEERS.

The Right Honourable Sir Nathan Wrichte, Knight, Lord Keeper of the Great-Seal of England, Speaker.

DUKES.

Great Officer who precedes all of his Degree.

P*Prince George of Denmark, Duke of Cumberland, Lord High-Admiral of England, &c.*

William Cavendiſh, Duke of Devonſhire, Lord Steward of the Houſhold.

ARCH-BISHOPS

and Great Officers who precede Dukes.

Dr. Thomas Tenniſon, Lord Arch-Biſhop of Canterbury.

Dr. John Sharpe, Lord Arch-Biſhop of York.

Sydney Godolphin, L. Godolphin, L. High-Treſurer of England.

Thomas Herbert, Earl of Pembroke and Montgomery, L. Preſident of the Council.

John Sheffeld, D. of Buckingham and Normanby, L. Privy-Seal.

† Thomas Howard, D. of Norfolk, Hereditary Earl-Marſhal of England.

Charles Seymour, D. of Somerſet.

Charles Lenos, Duke of Richmond.

Charles Fitz-Roy, D. of Southampton.

** Charles Fitz-Roy, D. of Grafton.*

James Butler, D. of Ormond.

** Henry Somerſet, D. of Beaufort.*

George Fitz-Roy, D. of Northumberland.

Charles

Charles Beauclair, <i>D. of</i> <i>St. Albans.</i>	Charles Howard, <i>E. of</i> <i>Carlisle, Earl-Marshal</i> <i>of England, during the</i> <i>minority of Thomas,</i> <i>Duke of Norfolk, He-</i> <i>reditary Earl-Marshal</i> <i>of England.</i>
James Fitz-James, <i>D. of</i> <i>Berwick, outlawed.</i>	Edward Villiers, <i>E. of</i> <i>Jersey, L. Chamberlain</i> <i>of the Household.</i>
Charles Powlet, <i>D. of</i> <i>Bolton.</i>	-----
Meinhardt Schonburg, <i>D.</i> <i>of Schonburg.</i>	
Charles Talbot, <i>D. of</i> <i>Shrewsbury.</i>	
Thomas Osborne, <i>D. of</i> <i>Leeds.</i>	

E A R L S.

Wriothesley Ruffel, <i>D. of</i> <i>Bedford.</i>	Henry Grey, <i>E. of Kent.</i>
William Cavendish, <i>D. of</i> <i>Devonshire. In ano-</i> <i>ther place.</i>	James Stanley, <i>E. of</i> <i>Derby.</i>
John Hollis, <i>D. of New-</i> <i>Castle.</i>	George Hastings, <i>E. of</i> <i>Huntingdon.</i>
John Churchill, <i>D. of</i> <i>Marlborough.</i>	Thomas Herbert, <i>E. of</i> <i>Pembroke and Mont-</i> <i>gomery. In another</i> <i>place.</i>
John Sheffield, <i>D. of</i> <i>Buckingham and Nor-</i> <i>manby. In another</i> <i>place.</i>	* Henry Clinton, <i>E. of</i> <i>Lincoln.</i>
John Manners, <i>D. of</i> <i>Rutland.</i>	Henry Howard, <i>E. of</i> <i>Suffolk.</i>
	Charles Sackville, <i>E. of</i> <i>Dorset and Middlesex.</i>
	* James Cecill, <i>E. of Sa-</i> <i>lisbury.</i>
	John Cecill, <i>E. of Exe-</i> <i>ter.</i>
	Scroop Egerton, <i>E. of</i> <i>Bridgwater.</i>
	Philip Sidney, <i>E. of Lei-</i> <i>cester.</i>
	George Compton, <i>E. of</i> <i>Northampton.</i>

M A R Q U I S.

William Herbert, *M. of*
Powys. Outlawed.

Other great Officers who
precede all of their de-
gree.

Robert Bertie, *E. of Lind-*
sey, L. Great-Chamber-
lain of England.

- * Edward Henry Riche, *E. of Warwick and Holland.*
 Basil Feilding, *E. of Denbigh.*
 Powlet St. John, *E. of Bolingbroke.*
 * Thomas Fane, *E. of Westmerland.*
 Charles Montague, *E. of Manchester.*
 Thomas Howard, *E. of Berkshire.*
 Richard Savage, *E. Rivers.*
 Robert Bertie, *E. of Lindsey. In another Place.*
 Charles Mordaunt, *E. of Peterborow and Monmouth.*
 Thomas Grey, *E. of Stamford.*
 Charles Finch, *E. of Winchester.*
 Evelyn Pierrepont, *E. of Kingston.*
 Charles Dormer, *E. of Carnarvon.*
 Philip Stanhope, *E. of Chesterfeild.*
 Thomas Tufton, *E. of Thanet.*
 Charles Spencer, *E. of Sunderland.*
 Robert Leke, *E. of Scarf-dale.*
 Edward Montague, *E. of Sandwich.*
 Henry Hyde, *E. of Clarendon.*
- Algernon Capell, *E. of Essex.*
 † George Brudenell, *E. of Cardigan.*
 John Annesley, *E. of Anglesey.*
 * William-Henry Granville, *E. of Bath.*
 Charles Howard, *E. of Carlisle. In another Place.*
 Thomas Bruce, *E. of Ailesbury. Extra Regnum.*
 Charles Boyle, *E. of Burlington.*
 Anthony-Ashley Cooper, *E. of Shaftesbury.*
 Edward-Henry Lee, *E. of Lichfield.*
 Thomas Lennard, *E. of Suffex.*
 Lewis de Duras, *E. of Feversham.*
 Charles-Bodvile Robartes, *E. of Radnor.*
 William Paston, *E. of Yarmouth.*
 Charles Berkeley, *E. of Berkeley.*
 Daniel Finch, *E. of Nottingham.*
 Laurence Hyde, *E. of Rochester.*
 Montague-Venables Bertie, *E. of Abingdon.*
 * Baptist Noell, *E. of Gainfborough.*
 Robert D'arcy, *E. of Holdernefs.* * Other

- * Other Windesfor, *E. of* Nathaniel Fiennes, *V. Say*
Plymouth. *and Sele.*
- † Edward Radclyffe, *E. of* † Thomas Belasyfe, *V.*
of Darwentwater. Falconberg.
- † Henry-Stafford How- Charles Townshend, *V.*
ard, *E. of* Stafford. Townshend.
- William Bentinck, *E. of* Thomas Thynne, *V. Wey-*
Portland. mouth.
- Ralph Montagu, *E. of* Christopher Hatton, *V.*
Montagu. Hatton.
- Arthur Herbert, *E. of* Henry Yelverton, *V.*
Torrington. Longueville.
- Richard Lumley, *E. of* * Richard Lowther, *V.*
Scarborough. Lonsdale.
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rington.

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 William Byron, *L.* By- mouth.
 ron. William Stawell, *L.* Sta-
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 Vaughan. Francis North, *L.* Guil-
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L. Widdrington. *Place.*
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 peper. Waldegrave.
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 ington. John Ashburnham, *L.*
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 ham. versham.
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 dell *of* Treryse. mers.
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 ven. Barnard.
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 Clifford. lifax.
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 Osborn. ville.

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 William Cowper, *Esq*;
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and Bar.
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Borough of Harwich,
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 John Trye, *Esq*;
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Port of Dover.

Matthew Aylmer, Esq;

Philip Papillon, Esq;

Port of Sandwich,

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Port of Hythe,

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Port of New-Romney,

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Thomas Fagge, Esq;

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George Clarke, Esq;
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Brecon, 2.
John Jeffereys, Esq;
Borough of Brecon,
Sir Jeffrey Jeffereys, Kt.

Cardigan, 2.
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worth, Knt.
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Henry Lloyd, Esq;

Carmarthen, 2.
Griffith Rice, Esq;
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Richard Vaughan, Esq;

Carnarvon, 2.
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Sir John Wynne, Kt. & Bar.

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Flint, 2.
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Glamorgan, 2.
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Esq;
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ferry, Esq;

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John Vaughan, Esq;

Pembroke, 3.
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West,
John Laughern, Esq;
Borough of Pembroke,
John Meyrick, Esq;

Radnor, 2.
Thomas Harley, Esq;
Borough of New-Radnor,
The Hon. Robert Harley,
Esq; Speaker.

Lords Spiritual, and } 189
 Temporal, }
 COMMONS, 513
 In all, 702.

The End of the Third VOLUME.

XXXXXXX (5 Bde) Vm. 88

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A Collection Of The Parliamentary Debates In England From The Year M,DC,
LXVIII. To the present Time

Bd.: 3

London (1739)

Brit. 136-3

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